

POLK COUNTY BOARD OF HEALTH RULES & REGULATIONS

CHAPTER V. AIR POLLUTION

ARTICLE I. IN GENERAL

5-1. PURPOSE AND AMBIENT AIR QUALITY STANDARDS.

(a) It is hereby declared that the purpose of this chapter is to establish standards for the control of air pollution in the county for the purpose of protecting the public health, safety and general welfare, with 455B Code of Iowa.

(b) Further, it is hereby declared that Polk County's ambient air quality standards shall be the national Primary and Secondary Ambient Air Quality Standards:

5-2. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this chapter:

"Act" means the Clean Air Act (42 U.S.C. 7401 et seq., as amended by Pub. L. 91-604, 84 Stat. 1676 Pub. L. 95-95, 91 Stat., 685 and Pub. L. 95-190, 91 Stat., 1399)

"Administrator" means the Administrator of the Environmental Protection Agency (EPA) or an authorized representative.

"Actual emissions" means the actual rate of emissions of a pollutant from an emissions unit as determined in accordance with paragraphs A through C of this definition.

- (A) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. The reviewing authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.
- (B) The reviewing authority may presume that the source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

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- (C) For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

"Air contaminant" means any gaseous, liquid, or particulate matter which, when present in the atmosphere, contributes to a condition of air pollution, including but not limited to dust, sooty mists, smoke, fumes, fly ash, cinders, gases, vapors, or any combination thereof.

"Air contaminant source" means any and all sources of emission of air contaminants whether privately or publicly owned or operated. Air contaminant source includes, but is not limited to, all types of businesses, commercial and industrial plants, works, shops, and stores, heating and power plants and stations, buildings and other structures of all types including single/multiple family residences, office buildings, hotels, restaurants, schools, hospitals, churches, and other institutional buildings, automobiles, trucks, tractors, buses, aircraft, and other motor vehicles, garages, vending and service locations and stations, railroad locomotives, ships, boats and other water-borne craft, portable fuel-burning equipment, indoor and outdoor incinerators of all types, refuse dumps and piles, and all stacks and other chimney outlets from any of the foregoing.

"Air pollution" means the presence in the atmosphere of one or more air contaminants in sufficient quantities and of such characteristic and duration which is injurious or tends to be injurious to the public health, safety or welfare, or injurious to animal or plant life, or property, or which interferes with the reasonable enjoyment of life or property or the conduct of business.

"Air pollution alert" means that action condition declared when the concentrations of air contaminants reach the level at which the first stage control actions are to begin.

"Air pollution emergency" means that action condition declared when the air quality is continuing to degrade to a level that should never be reached, and that the most stringent control actions are necessary.

"Air pollution episode" means a combination of forecast or actual meteorological conditions and emissions of air contaminants which may or do present an imminent and substantial endangerment to the

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health of persons, during which the chief meteorological factors are the absence of winds that disperse air contaminants horizontally and a stable atmospheric layer which tends to inhibit vertical mixing through relatively deep layers.

"Air pollution forecast" means an air stagnation advisory issued to the department, the commission, and to appropriate air pollution control agencies by an authorized Air Stagnation Advisory Office of the National Weather Service predicting that meteorological conditions conducive to an air pollution episode may be imminent. This advisory may be followed by a prediction of the duration and termination of such meteorological conditions.

"Air pollution warning" means that action condition declared when the air quality is continuing to degrade from the levels classified as an air pollution alert, and where control actions in addition to those conducted under an air pollution alert are necessary.

"Air quality standard" means an allowable level of air contaminant or atmospheric air concentration established by this chapter.

"Allowable emissions" means the emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

- (A) The applicable standards set forth in 40 CFR part 60 or 61;
- (B) Any applicable State Implementation Plan emissions limitation including those with a future compliance date; or
- (C) The emissions rate specified as federally enforceable permit condition, including those with a future compliance date.

"Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access. Ambient air does not include the atmosphere over land owned or controlled by the source and to which public access is precluded by a fence or other physical barriers.

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"APCD" means the air pollution control division of the Polk County Public Works Department.

"ASME" means the American Society of Mechanical Engineers, 345 East 47th Street, New York, New York.

"ASTM" means the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania.

"Atmosphere" means all space outside of buildings, stacks or exterior ducts.

"Auxiliary fuel firing equipment" means equipment to supply additional heat, by the combustion of an auxiliary fuel, for the purpose of attaining temperatures sufficient to dry and ignite the waste material, to maintain ignition thereof, and to promote complete combustion of combustible gases, solids, and vapors.

"Building structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same Major Group (i.e., which have the same two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0066 and 003-005-00176-0, respectively).

"BTU" means British Thermal Unit, the quantity of heat required to raise one pound of water from 59 degrees Fahrenheit to 60 degrees Fahrenheit.

"Carbonaceous fuel" means any form of combustible matter (whether solid, liquid, vapor, or gas) consisting primarily of carbon-containing compounds in either fixed or volatile form, and which is burned primarily for its heat content.

"Chimney or stack" means flue, conduit, or duct permitting the discharge or passage of air contaminants into the atmosphere, or constructed or arranged for this purpose.

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"COH/1,000 linear feet" means coefficient of haze per 1,000 linear feet, which is a measure of the optical density of a filtered deposit of particulate matter as given in ASTM Standard D-1704-61, and indicated by the following formula:

$$\begin{array}{rcl} \text{COH/1,000} & & (\text{Area tape, ft}^2) (100,000) \\ \text{linear feet} & = & \frac{\dots\dots\dots}{(\text{Volume of air sample, ft}^3)} \log \frac{100}{\% \text{transmission}} \end{array}$$

"Combustion for indirect heating" means the combustion of fuel to produce usable heat that is to be transferred through a heat-conducting materials barrier or by a heat storage medium to a material to be heated so that the material being heated is not contacted by, and adds no substance to, the products of combustion.

"Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions.

"Control equipment" means equipment which has the function to prevent the formation of or the emission into the atmosphere of air contaminants from any fuel-burning device, incinerator, or process equipment.

"Criteria" means information used as guidelines for decisions when establishing air quality standards, and the various air quality levels, and which in no case is to be confused or used interchangeably with air quality goals or standards.

"Distillate oil" means fuel oil that complies with the specifications for fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials in ASTM D396-78, "Standard Specification for Fuel Oils".

"Electric furnace" means furnace in which the melting and refining of metals are accomplished by means of electrical energy.

"Emission" means a release of one or more air contaminants into the outdoor atmosphere.

"Emission limitation" and "emission standard" mean a requirement established by a State of Iowa, the Polk County Public Works Department, or the Administrator which limits the quantity, rate

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or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

"Emissions Unit" means any part of a stationary source which emits or would have the potential to emit any pollutant subject to regulation under the Act.

"EPA conditional method" means any method of sampling and analyzing for air pollutants that has been validated by the administrator but that has not been published as an EPA reference method.

"EPA reference method" means any method of sampling and analyzing for an air pollutant as described in 40 CFR 51, Appendix M, as amended through July 20, 1993; 40 CFR 52 Appendices D and E, as amended through July 20, 1993; 40 CFR 60, Appendix A, as amended through May 17, 1993; 40 CFR 61, Appendix B, as amended through June 25, 1993; 40 CFR 63, Appendix A, as amended through October 27, 1993; and 40 CFR 75, Appendices A, B, and H, as amended through July 20, 1993.

"Equipment" means equipment capable of emitting air contaminants to produce air pollution such as fuel burning, combustion or process devices or apparatus including but not limited to, fuel-burning equipment, incinerator, or refuse-burning equipment used for the burning of fuel or other combustible material from which the products of combustion are emitted, and including, but not limited to, apparatus, equipment, or process devices which generate heat and may emit products of combustion, and manufacturing, chemical, metallurgical, or mechanical apparatus or process devices or control equipment which may emit smoke, particulate matter, or other air contaminants.

"Equipment, existing" means equipment, machines, devices, or installations that were in operation prior to January 1, 1972.

"Excess air" means that amount of air supplied in addition to the theoretical quantity necessary for complete combustion of all fuel or combustible waste material present.

"Excess emission" is any emission which exceeds the applicable emission standard prescribed in any section of these rules.

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"Federally Enforceable" means all limitations and conditions which are enforceable by the EPA Administrator, including those requirements developed pursuant to 40 CFR parts 60 and 61, requirements within the Iowa State Implementation plan, any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR part 51, subpart I, including operating permits issued under an EPA-approved program that is incorporated into the State implementation plan and expressly requires adherence to any permit issued under such program.

"Foundry cupola" means a stack-type furnace used for melting of metals consisting, but not limited to, the furnace proper, tuyeres, fans or blowers, tapping spout, charging equipment, gas cleaning devices and other auxiliaries.

"Fuel-burning equipment" means equipment, device or contrivance and all appurtenances thereto, including ducts, breechings, control equipment, fuel-feeding equipment, ash-removal equipment, combustion controls, stacks, chimneys, and the like, used principally but not exclusively to burn any fuel for the purpose of indirect heating in which the material being heated is not contacted by and adds no substance to the products of combustion.

"Fugitive dust" means solid airborne particulate matter emitted from any source other than a flue or stack.

"Fugitive emissions" means those emissions which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening.

"Garbage" means all solid and semi-solid putrescible and nonputrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, and serving of food or of material intended for use as food, but excluding recognized industrial by-products.

"Gas cleaning device" means a facility designed to remove air contaminants from gases exhausted from equipment as defined herein.

"Goal" means a level of air quality which is expected to be obtained.

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"Health officer" means the Polk County Air Pollution Control Director, or his authorized representative, including the Air Pollution Control Division of the Polk County Public Works Department.

"Heating value" means the heat released by combustion of one pound of waste or fuel measured in BTU s on an as-received basis. For solid fuels, the heating value shall be determined by use of ASTM Standard D2015-66.

"Incinerator" means a combustion apparatus designed for high temperature operation in which solid, semisolid, liquid or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residue contain little or no combustible material.

"Initiation of construction, installation or alteration" means significant permanent modification of a site to install equipment, control equipment or permanent structures. Not included are activities incident to preliminary engineering, environmental studies of acquisition of a site for a facility.

"Landscape waste" means any vegetable or plant wastes except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.

"Level" means a certain specified degree, quality or characteristic.

"Major modification" means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emission increase of any pollutant subject to regulation under the Act.

- (A) Any net emissions increase that is considered significant for volatile organic compounds shall be considered significant for ozone.
- (B) A physical change or change in the method of operation shall not include:
  - (1) Routine maintenance, repair and replacement;
  - (2) Use of an alternative fuel or raw material by reason of an order under sections 2 (a) and (b) of the Energy Supply and Environmental Coordination



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Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

- (3) Use of an alternative fuel by reason of an order or rule under section 125 of the Act;
  - (4) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
  - (5) Use of an alternative fuel or raw material by a stationary source which;
    - (i) The source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition which was established after January 6, 1975 pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR subpart I or & 51.166, or
    - (ii) The source is approved to use under any permit issued under 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51.166;
  - (6) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after January 6, 1975 pursuant to 40 CFR 52.21 or regulations approved pursuant to 40 CFR part 51 subpart I or 40 CFR 51.166.
  - (7) Any change in ownership at a stationary source.
- (C) The provisions of this definition do not apply to a source or a modification that would be a major stationary source or major modification only if fugitive emissions, to the extent quantifiable, are considered in calculating the potential to emit of the stationary source or modification and such source does not belong to any following categories:
- 1. Coal cleaning plants (with thermal dryers);
  - 2. Kraft pulp mills;
  - 3. Portland cement plants;
  - 4. Primary zinc smelters;
  - 5. Iron and steel mills;
  - 6. Primary aluminum ore reduction plants;
  - 7. Primary copper smelters;

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8. Municipal incinerators capable of charging more than 250 tons of refuse per day;
9. Hydrofluoric, sulfuric, or nitric acid plants;
10. Petroleum refineries;
11. Lime plants;
12. Phosphate rock processing plants;
13. Coke oven batteries;
14. Sulfur recovery plants;
15. Carbon black plants (furnace process);
16. Primary lead smelters;
17. Fuel conversion plants;
18. Sintering plants;
19. Secondary metal production plants;
20. Chemical process plants;
21. Fossil-fuel boilers (or combination thereof) totalling more than 250 million British thermal units per hour heat input;
22. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
23. Taconite ore processing plants;
24. Glass fiber processing plants;
25. Charcoal production plants;
26. Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;
27. Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Act.

"Major stationary source" means:

- A. Any of the following stationary sources of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation under this chapter: Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input, coal cleaning plants (with thermal dryers), kraft pulp mills, portland cement plants, primary zinc smelters, iron and steel mill plants, primary aluminum ore reduction plants, primary copper smelters, municipal incinerators capable of charging more than 250 tons of refuse per day, hydrofluoric, sulfuric, and nitric acid plants, petroleum refineries, lime plants, phosphate rock processing plants, coke oven batteries, sulfur recovery plants, carbon black plants (furnace process), primary

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lead smelters, fuel conversion plants, sintering plants, secondary metal production plants, chemical process plants fossil fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input, petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels, taconite ore processing plants, glass fiber processing plants, and charcoal production plants;

- B. Notwithstanding the stationary source size specified in paragraph (A) of this definition, any stationary source which emits, or has the potential to emit 250 tons per year or more of any air pollutant subject to regulation under this chapter; or
- C. Any physical change that would occur at a stationary source not qualifying under subparagraph 1, as a major stationary source, if the change would constitute a major stationary source by itself.
- D. A major stationary source that is major for volatile organic compounds shall be considered major for ozone.
- E. The fugitive emissions of a stationary source shall not be included in determining for purposes of this chapter whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:
  - (1) Coal cleaning plants (with thermal dryers);
  - (2) Kraft pulp mills;
  - (3) Portland cement plants;
  - (4) Primary zinc smelters;
  - (5) Iron and steel mills;
  - (6) Primary aluminum ore reduction plants;
  - (7) Primary copper smelters;
  - (8) Municipal incinerators capable of charging more than 250 tons of refuse per day;
  - (9) Hydrofluoric, sulfuric, or nitric acid plants;
  - (10) Petroleum refineries;
  - (11) Lime plants;
  - (12) Phosphate rock processing plants;
  - (13) Coke oven batteries;
  - (14) Sulfur recovery plants;
  - (15) Carbon black plants (furnance process);

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- (16) Primary lead smelters;
- (17) Fuel conversion plants;
- (18) Sintering plants;
- (19) Secondary metal production plants;
- (20) Chemical process plants
- (21) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- (22) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (23) Taconite ore processing plants;
- (24) Glass fiber processing plants;
- (25) Charcoal production plants;
- (26) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; and
- (27) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Act.

"Malfunction" means any sudden and unavoidable failure of control equipment or of a process to operate in a normal manner. Any failure that is caused entirely or in part by poor maintenance, careless operation, lack of an adequate maintenance program, or any other preventable upset condition or preventable equipment breakdown shall not be considered a malfunction.

"Multiple-chamber incinerator" means any incinerator or refuse-burning equipment consisting of two or more refractory-lined combustion furnaces in series, physically separated by refractory walls, interconnected by flue gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.

"Natural gas" means (1) a naturally occurring mixture of hydrocarbon and nonhydrocarbon gases found in geologic formations beneath the earth's surface, of which the principal constituent is methane, or (2) liquefied petroleum (LP) gas, as defined by the American Society for Testing and Materials in ASTM D1835-86, "Standard Specification for Liquefied Petroleum Gases".

"Net emissions increase" means the amount by which the sum of the following exceeds zero:

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- (A) Any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source; and
- (B) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.
  - (1) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs within a reasonable period before the date that the increase from the particular change occurs. The period begins on the date 5 years before construction commences on the proposed modification. It ends on the date the emissions increase from the proposed modification occurs.
  - (2) An increase or decrease in actual emissions is creditable only if the reviewing authority has not relied on it in issuing a permit for the source under regulations approved pursuant to this chapter which permit is in effect when the increase in actual emissions from the particular change occurs.
  - (3) An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxides which occurs before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.
  - (4) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.
  - (5) A decrease in actual emissions is creditable only to the extent that:
    - (a) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;
    - (b) It is federally enforceable at end after the time that actual construction on the particular change begins; and

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- (c) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.
- (6) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

"New Equipment" means except for any equipment or modified equipment to which VI 5-16(n) applies, any equipment or control equipment not under construction or for which components have not been purchased on or before September 23, 1970, and any equipment which is altered or modified after such date, which may cause the emission of air contaminants or eliminate, reduce or control the emission of air contaminants.

"Nuisance" means whatever is injurious to health, indecent, or offensive to the senses, or an obstruction to the free use of property, so as essentially to interfere with the comfortable enjoyment of life or property.

"Objective" means a certain specified degree, quality, or characteristic expected to be obtained.

"Odor" means that which produces a response of the human sense of smell to an odorous substance.

"One-hour period" means any 60-minute period commencing on the hour.

"Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

"Open burning" means the burning of any material wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For the purpose of this definition, a chamber shall be regarded as enclosed, when during the time combustion takes place, only such apertures, ducts, stacks,

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flues or chimneys as are necessary to provide combustion air and to permit the escape of exhaust gases are open.

"Particulate matter" means any air-borne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

"Particulate matter emissions" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods or an equivalent or alternative method, specified in this chapter, or by a test method specified in an approved State implementation plan.

"Parts per million (ppm)" means a term which expresses the volumetric concentration of one material in one million unit volumes of a carrier material.

"Permit conditions" means operational limits, restrictions, or other guides which have been set by the Air Pollution Control Officer, which govern the operation and/or emissions of a particular permitted air pollution source.

"Person" means an individual, partnership co-partnership, co-operative, firm, company, public or private corporation, political subdivision, agency of the state, trust, estate, joint stock company, or any other legal entity, or their legal representative, agent or assigns.

"Plan documents" means the reports, proposals, preliminary plans, survey and basis of design data, general and detail construction plans, profiles, specifications, and all other information pertaining to equipment.

"PM 10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by an EPA-approved reference method.

"PM 10 emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method, specified in this chapter or by a test method specified in the Iowa State implementation plan.

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"Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

"Privileged communication" means information other than air pollutant emission data, the release of which would tend to affect adversely the competitive position of the owner or operator of the equipment.

"Process" means any action, operation or treatment, and all methods and forms of manufacturing or processing, that may emit smoke, particulate matter, gaseous matter, or other air contaminant.

"Process weight" means the total weight of all materials introduced into any source operation. Solid fuels charged shall be considered as part of the process weight, but liquid and gaseous fuels and combustion air shall not.

"Process weight rate" means continuous or long-run steady-state source operation, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period of portion thereof; or for a cyclical or batch source operation, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the number of hours of actual process operation during such a period. Where the nature of any process or operation, or the design of any equipment is such to permit more than one interpretation of this definition, the interpretation that results in the minimum value for allowable emission shall apply.

"Refuse" means garbage, rubbish, and all other putrescible and nonputrescible wastes, except sewage and water-carried trade wastes.

"Residual oil" means crude oil, fuel oil that does not comply with the specifications under the definition of distillate oil, and all fuel oil numbers 4,5 and 6, as defined by the American



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Society for Testing and Materials in ASTM D396-78, "Standard Specification for Fuel Oils".

"Rubbish" means all waste materials of nonputrescible nature.

"Salvage operations" means any business, industry, or trade engaged wholly or in part in salvaging or reclaiming any product or material, including but not limited to, chemicals, drums, metals, motor vehicles, or shipping containers.

"Seal for sealing equipment or premises" means a device installed by the health officer so as to prevent the illegal use of the process, fuel-burning, refuse-burning, or control equipment or premises.

"Significant" means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutions, as rate of emissions that would equal or exceed any of the following rates:

### Pollutant Emission Rate

Federally Regulated PSD Pollutant	Tons/Year
PM	25
PM <sub>10</sub>	15
SO <sub>2</sub>	40
NO <sub>x</sub>	40
VOC (ozone)	40
CO	100
Lead (Elemental)	0.6
Flourides	3
H <sub>2</sub> SO <sub>4</sub> Mist	7
Reduced Sulfur	10
H <sub>2</sub> S	10
Municipal Waste Combustor (MWC) Acid Gases	40
MWC Metals	15
MWC Organics	3.5 x 10 <sup>-6</sup>
CFC's (11, 12, 112, 114 and 115)	Any Emission
Halons (1211, 1301, and 2402)	Rate Until Significant
Any Other Non & 112 Regulated Pollutant	Levels are Developed

"Six-minute period" means any one of the ten equal parts of a one-hour period.

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"Shutdown" means the cessation of operation of any control equipment or process equipment or process for any purpose.

"Smoke" means gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon, and other combustible material or ash, that form a visible plume in the air.

"Smoke monitor" means a device using a light source and a light detector which can automatically measure and record the light-obscuring power of smoke at a specific location in the flue or stack of a source.

"Solid waste" means useless, unwanted, or discarded materials resulting from commercial, industrial, domestic and agricultural operations and other normal community activities. Wastes which are solid or semi-solid containing insufficient liquid to be free-flowing are considered to be solid wastes. Solid wastes shall include but not be limited to the following: garbage, rubbish, ashes and other residue of incineration, street refuse or sweepings, dead animals, solid animal waste, decrepit automobiles and parts thereof, agricultural, commercial and industrial wastes, construction and demolition wastes, and sewage treatment solid residue.

"Source operation" means the last operation preceding the emission of an air contaminant which results in the separation of the air contaminant from the process materials or in the conversion of the process materials into air contaminants, but precedes control equipment.

"Standard conditions" means a gas temperature of 293 Kelvin (68 degrees Fahrenheit) and a gas pressure of 101.3 kilopascals (29.92 inches of mercury) or 14.7 pounds per square inch absolute.

"Standard cubic foot (SCF)" means the volume of one cubic foot of gas at standard conditions.

"Startup" means the setting into operation of any control equipment or process equipment or process for any purpose.

"Stationary source" means any building, structure, facility or installation which emits or may emit any air pollutant.

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"Theoretical air" means the exact amount of air required to supply the required oxygen for complete combustion of a given quantity of a specific fuel or waste.

"Total suspended particulate" means particulate matter as measured by an EPA approved reference method the method described in Appendix B of 40 C.F.R. Part 50.

"Trade waste" means all solid or liquid material or rubbish resulting from building operations, construction, demolition operation, or the conduct of any business industry, or trade, including, but not limited to, chemicals, cinders, grease, paint, plastic products, and other forms of liquid or solid waste materials.

"Variance" means a temporary deferral of compliance for an owner or other person subject to this chapter governing the quality, nature, duration or extent of emissions granted by the health officer for a specified period of time.

"Volatile Organic Compounds" means VOC as found in 40 CFR Part 51.100 as amended through March 8, 1996.

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ARTICLE II. AUTHORITY

5-3. DUTIES OF HEALTH OFFICER.

- (a) It shall be the duty of the health officer to make investigations and to take affirmative action within the scope of his power and within the range of this chapter to prevent and abate air pollution and air contaminant emissions.
- (b) No information supplied to the health officer shall be considered confidential unless a request for determination of confidentiality is submitted with the aforementioned information. The person requesting confidential treatment for information submitted to the health officer shall have the responsibility of demonstrating to the health officer that the information in question would disclose a trade secret or other privileged communication such as but not limited to production figures. More specifically, privileged communication is information other than air pollutant emissions data the release of which would tend to adversely affect the competitive position of the owner or operator of the equipment. The health officer shall provide written notification to any person whose request for confidentiality has been denied. Upon receipt of such notification, the person shall have 30 days to appeal this decision to the board of health. Such appeal shall be filed with the health officer. If the board of health denies a request for confidentiality, the information in question shall be held confidential for sufficient time to allow the petitioner to institute the necessary legal proceedings to sustain the confidentiality claim. Information submitted with a request for confidential treatment shall be treated as confidential until final determination on such request. Information on trade secrets or other privileged communication will be so designated when submitted by the health officer to the federal government in accordance with federal law or regulation and will then be subject to applicable federal regulations as to confidentiality. The provisions of this section shall not apply to air contaminant emissions data.

5-4. POWERS OF HEALTH OFFICER.

Specific powers of the health officer shall include the following:

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- (1) Make or require the owner or operator to make such inspections and tests, including stack sampling and analytical determinations of existing and new fuel or refuse-burning equipment, as are deemed necessary to evaluate compliance with the provisions of this chapter. When needed, sampling holes, safe scaffolding, and pertinent allied facilities, but not instruments or sensing devices, shall be requested in writing by the health officer and shall be provided by and at the expense of the owner of the installation at such points as specified in the health officer's request.
- (2) In addition to those required recordkeeping requirements mandated by 40 CFR Part 60, Section 60.7, New Source Performance Standards, require the person responsible for the existing equipment to provide information on fuel use, materials processed, air contaminants emitted, estimated rate of emissions, periods of emission or other air pollution information to the health officer upon his written request for use in compiling and maintaining an emissions inventory for evaluation of the air pollution situation in the county. The information requested shall be submitted on forms supplied by the health officer. All information in regard to both actual and allowable emissions shall be public records and any publication of such data shall be limited to actual and allowable air contaminant emissions.
  - (i) Emission data obtained from owners and operators of stationary sources under the provisions of this section will be correlated with applicable emission limitations and other control measures.
  - (ii) All such emission data and correlations will be available during normal business hours at the office of the health officer. The health officer may designate one or more additional places where such data and correlations will be available for public inspection.
- (3) Investigate all complaints of violation of this chapter and issue written notices and orders granting a reasonable time to comply with the provisions of this chapter.
- (4) Request the county attorney to bring the appropriate legal action in a court of competent jurisdiction in order to

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prosecute violations of this chapter and to compel the prevention and abatement of air pollution or nuisances arising therefrom.

- (5) Examine the plans for fuel and refuse-burning equipment, process equipment, and control equipment to be installed, constructed, reconstructed, added to, or altered, to assure that they are in accordance with the requirements of this chapter.
- (6) Require a permit to be obtained from the health officer for any person planning to construct, alter, reconstruct, or install any equipment or related control equipment prior to the initiation of construction, installation, or alteration of any portion of stationary source. The permit will not be required if the alterations to the equipment will not change the emissions from that equipment. However, a review of the project plans may be required in order to substantiate the permit exemption.
- (7) Advise planning and zoning agencies regarding air pollution aspects of planning and zoning functions in order to prevent land use conflicts resulting in air pollution problems.
- (8) Make recommendations regarding needed revisions or additions in this chapter pertaining to air pollution control.
- (9) Collect and disseminate information on air pollution control.
- (10) Carry out a continuing program of outdoor air monitoring to evaluate the air quality in the jurisdictional area of the health officer.
- (11) Review those matters having a bearing upon air pollution, referred by other departments such as plan and zoning, building, and fire departments, and make reports and recommendations where necessary.
- (12) Encourage the voluntary cooperation of civic, technical, scientific, and educational societies to achieve the purposes of this chapter in restoring and preserving a reasonable quality of air in the jurisdictional area of the health officer.

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- (13) Require each owner or operator of any equipment, as defined herein, upon notification from the health officer, to maintain records of the nature and amounts of air contaminant emissions from such source and any other information as may be deemed necessary by the board of health, to determine whether such source is in compliance with the applicable emission limitations or other control measures.
  - (i) The information recorded shall be summarized and reported monthly to the health officer on forms furnished by the health officer. The initial reporting period shall commence 60 days from the date the health officer issued notification of the record keeping requirements.
  - (ii) Information recorded by the owner or operator and copies of the summarizing reports submitted to the health officer shall be retained by the owner or operator for five years after the date on which the pertinent report is submitted.
- (14) Evaluate existing or proposed sources of hazardous or toxic emissions and require control equipment as needed to protect public health.

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ARTICLE III. INCINERATION AND OPEN BURNING

5-5. INCINERATORS PROHIBITED.

It shall be unlawful for any person, as defined in this chapter, to sell within the county, or to install within the county, any device intended for use as a refuse burner or incinerator, except when the owner or operator of such device has met the provisions herein and those specified in article X of this chapter.

5-6. INCINERATION))EMISSIONS STANDARDS.

(a) General provisions.

- (1) The burning capacity of an incinerator shall be manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the health officer in accordance with good engineering practice. In case of conflict, the findings of the health officer shall govern.
- (2) No incinerator shall be used for the burning of refuse, unless such incinerator is a multiple chamber incinerator. Also, no incinerator or multiple chamber incinerator shall be used for the burning of garbage unless the incinerator can demonstrate compliance with applicable emission standards. Existing incinerators which are not multiple chamber incinerators may be altered, modified, or rebuilt as may be necessary to meet this requirement. The health officer may approve any other alteration or modification to an existing incinerator if such be found by him to be equally effective for the purpose of air pollution control as a modification or alteration which would result in a multiple chamber incinerator.
- (3) Within ten days after the date on which construction or alteration of an incinerator located at a business or firm as defined in section 5-2 of this chapter, is completed and can meet the requirements as specified in section 5-18 (a) of this chapter, the owner or operator shall notify the health officer stating the exact time a performance test will be scheduled and said test must be scheduled and performed within 60 days after notification of the health officer.



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(b) Restriction of emission from incinerator.

(1) No person may cause or permit the emission of particulate matter from the chimney, stack, or vent of any incinerator in excess of the following:

(i) The mass emission rate of particulate matter from any incinerator with a manufacturer's rated capacity of 1000 pounds or greater per hour shall be limited to .19 grains per standard cubic foot of exhaust gas adjusted to 12% (12 percent), carbon dioxide (CO<sub>2</sub>) unless more stringent standards apply. The mass emission rate of particulate matter from any incinerator with a manufacturer's rated capacity of less than 1000 pounds per hour shall be limited to 0.20 pounds per 100 pounds of refuse burned, based upon the incinerators rated capacity, or other findings as specified in subsection (a) of this section.

(ii) Compliance with emission restrictions shall be determined from performance test data, as specified herein and in sections 5-18 and 5-19 of this chapter.

(2) Visible emissions. No person shall allow, cause or permit the operation of an incinerator in a manner such that it produces visible air contaminants which have an opacity equal to or greater than 40 percent.

(c) Compliance schedule for existing incinerators. The owner or operator of an existing incinerator which is not a multiple chamber incinerator and which does not otherwise so meet the requirements of subsection (b) of this section, shall be required to submit a compliance schedule as provided for in section 5-56 of this chapter.

(d) Compliance schedule for new incinerators. All new incinerators as specified by section 5-2 of this chapter shall conform to the provisions as set forth in subsection (a) (3) of this section and the owner or operator of such new incinerator shall be required to obtain an annual permit as provided for in Article X of this chapter.

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- (e) Unlawful operation. Any operation of incinerators on or after January 1, 1972, which is not authorized as above provided shall be unlawful.

### 5-7. OPEN BURNING PROHIBITED.

It shall be unlawful for any person to open burn or to permit open burning of any refuse, rubbish, or garbage within Polk County.

It shall be unlawful for any person to open burn or to permit open burning of any landscape waste within Polk County from any industrial source, commercial source, or multiple dwelling containing two or more apartment units.

It shall be unlawful for any person to open burn or to permit open burning of any refuse, rubbish, garbage, landscape waste or other combustible material within the cities of Des Moines, West Des Moines, Clive, Windsor Heights, Urbandale, and Pleasant Hill from any source from and after September 21, 1983.

In all other areas of Polk County, it shall be unlawful to open burn or permit open burning of any refuse, rubbish, garbage, landscape waste, or other combustible material, except that on any land site where the land use is for single-family dwelling or agricultural operations, open burning may be used to dispose of landscape waste originating on or growing on the same site.

This section shall not apply to outdoor fireplaces or grills burning untreated wood or charcoal, used solely for the non-commercial preparation of food. Such outdoor fireplaces or grills shall not be used for the burning of refuse, rubbish, or garbage.

Upon receipt of a written request, the health officer is authorized to issue a permit for an open fire for the following purposes. Such permit may contain conditions and is subject to the provisions set forth in this chapter.

- (1) Disaster rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists.
- (2) Tree and tree trimmings. The open burning of trees and tree trimmings not originating on the premises provided that the

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burning site is operated by a local governmental entity, the burning site is fenced and access is controlled, burning is conducted on a regularly scheduled basis and is supervised at all times, burning is conducted only when weather conditions are favorable with respect to surrounding property, and the burning site is limited to areas at least one-quarter mile from any inhabited building. However, when the open burning of trees and tree trimmings causes air pollution as defined in section 455B.131(3) Code of Iowa, the Health Officer may take appropriate action to secure relocation of the burning operation. Rubber tires shall not be used to ignite trees and tree trimmings.

- (3) Flare stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with Article IV.
- (4) Landscape waste. The disposal by open burning of landscape waste originating on or growing on the same land site only where permitted in this section. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth mile from any inhabited building. Rubber tires shall not be used to ignite landscape waste.
- (5) Training fires. Fires set for the purpose of a bonafide training of public or industrial employees in fire fighting methods, provided the health officer receives a written request at least one week before such action commences. All Exterior Asphalt - containing materials such as roofing and siding shall be removed prior to the training fire. Each fire department shall be allowed to host two training fires per year with asphalt material provided testing results are submitted to the health officer indicating that the asphalt material does not contain asbestos. All asbestos-containing materials shall be removed prior to the training fire. Asbestos removal is to be performed in accordance with the requirements contained in 40 CFR Part 61 Subpart M (Sections 61.145 and 61.150).
- (6) Paper or plastic pesticide containers and seed corn bags. Open burning of specified in Chapter 567-23.2(3)h(455B) only where permitted by this section.

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- (7) For public gatherings under the legitimate sponsorship of civic fraternal, religious, education or similar organization.
- (8) Crews operating under the authority of any political subdivision, only where permitted by this section.
- (9) Prairie Re-Establishment and Maintenance at sites which are publicly owned or normally open to the general public.

Authorization to permit an open fire will not be granted by the health officer when such conditions arise that would deem such fires to be a safety hazard.

Permit fees may be established by resolution of the Polk County Board of Supervisors.

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### ARTICLE IV. RESTRICTIONS ON EMISSION OF VISIBLE AIR CONTAMINANTS FROM EQUIPMENT

#### 5-8. LIMITATION OF VISIBLE AIR CONTAMINANTS FROM SPECIFIC SOURCES.

From the following sources, no person shall cause, permit or allow the emission of visible air contaminants into the outdoor atmosphere of an opacity equal to or greater than 40 percent opacity, except as provided below:

- (1) No person shall cause, permit or allow the emission of visible air contaminants from gasoline-powered motor vehicles for longer than five consecutive seconds.
- (2) No person shall cause, permit or allow the emission of visible air contaminants from diesel-powered motor vehicles of an opacity equal to or greater than 40 percent for longer than five consecutive seconds.
- (3) No person shall cause, permit or allow the emission of visible air contaminants from diesel-powered locomotives of an opacity equal to or greater than 40 percent except for a maximum period of 40 consecutive seconds during acceleration underload, or for a period of four consecutive minutes when a locomotive is loaded after a period of idling.
- (4) Initial start and warm-up of a cold engine, the testing of an engine for trouble, diagnosis or repair, or engine research and development activities are exempt.

#### 5-9. GENERAL LIMITATION OF VISIBLE AIR CONTAMINANTS.

From any single source not covered by the provisions of section 5-8 of this chapter, no person shall cause, permit or allow the emission of visible air contaminants into the outdoor atmosphere of an opacity equal to or greater than 40 percent or lesser level as specified in a construction or operating permit, except as provided below:

- (1) Where the presence of uncombined water is the only reason for failure of air contaminants to meet the requirements of this chapter, and where such uncombined water does not constitute a nuisance or safety hazard; or

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- (2) Where the source of emission is a fire ignited for the purpose of training firemen or for research in fire protection and prevention, provided that the health officer shall have previously been notified by the person responsible for the fire; or
- (3) Where the emissions result from an unavoidable breakdown or malfunction of equipment and the condition is reported to the health officer as specified in section 5-17 of this chapter; or
- (4) Where the source of emission is a charcoal or similar fire being used for non-commercial preparation of food or recreational purposes; or
- (5) Where the source of emissions is a wood-burning or coal-burning stove in single or two-family dwelling; or
- (6) Where the source of emissions is a fireplace in a family dwelling.

### 5-10. METHODOLOGY AND QUALIFIED OBSERVER

The federal method for visual determination of opacity of emissions and requirements for qualified observers as defined in Method 9, 40 CFR Part 60 Appendix A as amended through November 14, 1990, are adopted by reference.

To qualify as an observer, an individual must meet the requirements of 567-29.1(455B), Iowa Administrative Code.

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ARTICLE V. EMISSION OF AIR CONTAMINANTS FROM FUEL-BURNING  
EQUIPMENT.

5-11. GENERALLY

- (a) The emission standards specified in this section shall be considered as operation standards rather than design standards.
- (b) The emission standards in this section shall apply to installations unless the federal standards of performance for new stationary sources (new source performance standards) specified in section 5-16 of this chapter are applicable.
- (c) This article shall apply to installations in which fuel is burned for the primary purpose of producing steam, hot water, or hot air or other indirect heating of liquids, gases, or solids and in the course of doing so, the products of combustion do not come in direct contact with process materials. Fuels include those such as coal, coke, lignite, coke breeze, gas, fuel oil, and wood, but do not include refuse. When any products or by-products of a manufacturing process are burned for the same purpose or in conjunction with any fuel, the same maximum emission limitations shall apply as specified in section 5-12(1) of this chapter.
- (d) For purpose of this article, the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or stacks. The heat input value used shall be the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater. The total input of all fuel burning units at a plant or on a premise, shall be used for determining the maximum allowable amount of particulate matter which may be emitted.
- (e) The amount of particulate matter emitted shall be measured according to the method specified in section 5-18 of this chapter.

5-12. EMISSION LIMITATIONS.

Unless a more restrictive limit applies pursuant to Section 5-16, SPECIFIC EMISSION STANDARDS, no person shall cause, allow

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or permit the emission of particulate matter in excess of the specified in the following schedule (see Graph I, which is included for illustrative purposes only):

- (1) 0.60 pounds for each million BTU per hour input if the equipment has a capacity rating of ten million or less. If the capacity rating of the fuel-burning equipment is more than ten million, the amount of particulate matter which may be emitted for each million BTU input shall decrease as the capacity rating of the fuel-burning equipment increases, as follows:
  - (i) No more than 0.41 pounds for each million BTU input from equipment having a capacity rating of 50 million;
  - (ii) No more than 0.35 pounds for each million BTU input from equipment having a capacity rating of 100 million;
  - (iii) No more than 0.24 pounds for each million BTU input from equipment having a capacity rating of 500 million;
  - (iv) No more than 0.21 pounds for each million BTU input from equipment having a capacity rating of 1,000 million;
  - (v) No more than 0.17 pounds for each million BTU input from equipment having a capacity rating of 2,000 million;
  - (vi) No more than 0.14 pounds for each million BTU input from equipment having a capacity rating of 5,000 million;
  - (vii) No more than 0.13 pounds for each million BTU input from equipment having a capacity rating of 7,500 million;
  - (viii) No more than 0.12 pounds for each million BTU input from equipment having a capacity rating of 10,000 million or more.
- (2) The amount of particulate matter which may be emitted from fuel burning equipment having an intermediate capacity



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rating shall be determined either by linear interpolation, or by use of the following equation:

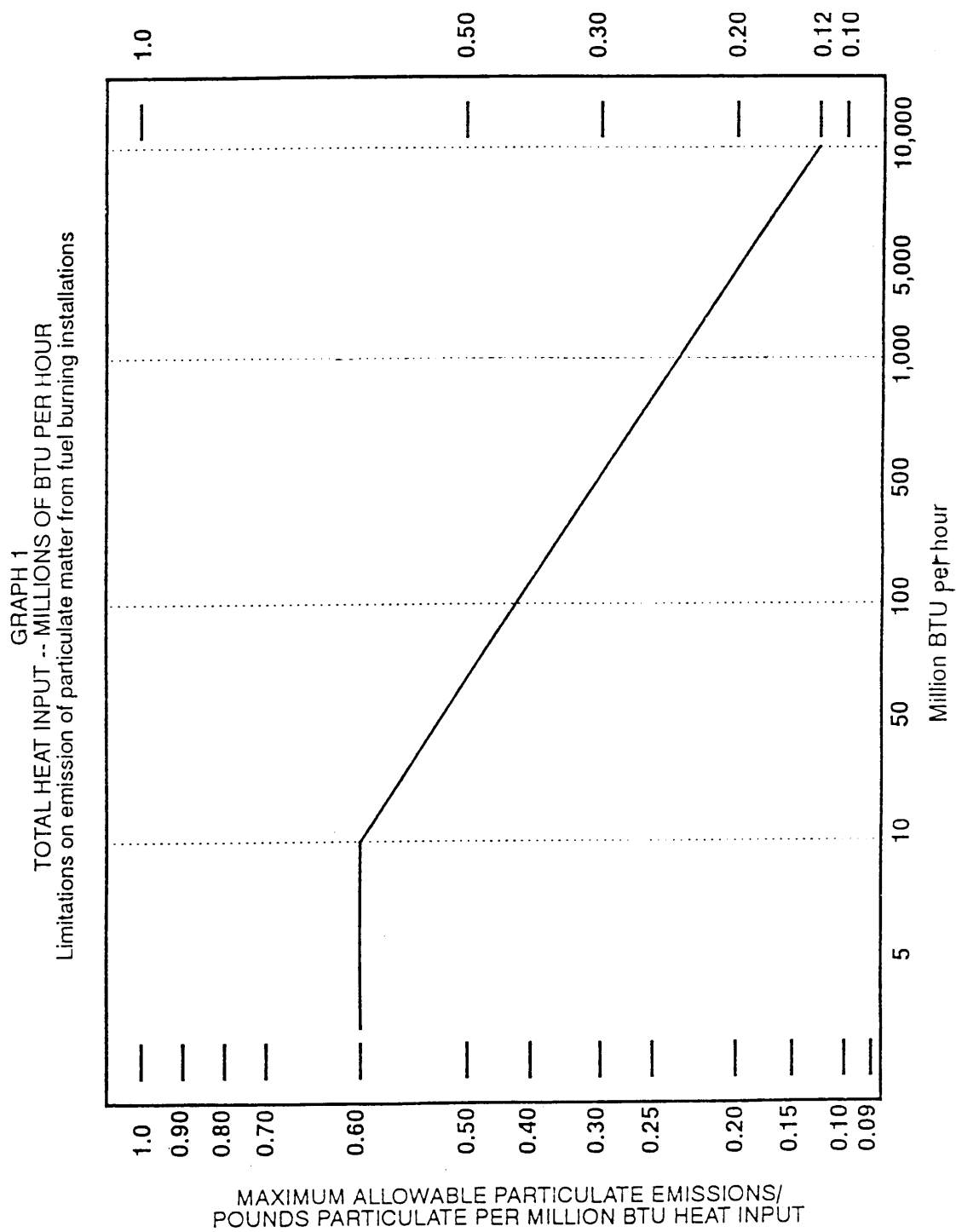
$$\log Y = -0.2330 \log X + 0.0111$$

where X represents each million BTU input and Y represents the allowable pounds of emission (See Graph 1).

5-13. EXCEPTIONS

Any excess emissions resulting from the operation of fuel-burning equipment covered under Section 5-12, shall also report such excess emission periods as specified in Section 5-17.

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ARTICLE VI. EMISSION OF AIR CONTAMINANTS FROM INDUSTRIAL SOURCES

5-14. GENERALLY

- (a) The emission standards specified in this article shall be considered as operation standards rather than design standards.
- (b) If the health officer determines that a process complying with the emission rates specified in Table 1 of Section 5-15 of this chapter is causing or will cause air pollution. The health officer will notify the source of such determination. Upon notification, the source shall not emit particulates in amounts greater than 0.10 grain per standard cubic foot of exhaust gas.
- (c) This section shall apply to any operation, process, or activity except the following:
  - (1) The burning of fuel for indirect heating in which the products of combustion do not come into direct contact with process materials,
  - (2) The burning of refuse, and
  - (3) The processing of salvageable material by burning.
- (d) Process weight means the total weight of all materials introduced into a source operation, including solid fuels, but excluding liquids and gases used solely as fuels, and excluding air introduced for purposes of combustion. Process weight rate means a rate established as follows:
  - (1) For continuous or long-run steady state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof.
  - (2) For cyclical or batch source operations, the total process weight for a period which covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such period.

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Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this section, that interpretation which results in the minimum value for allowable emission shall apply.

- (e) Emission test relating to this section shall be made in accordance with sections 5-18 and 5-19 of this chapter.

### 5-15. GENERAL EMISSION STANDARDS.

- (a) The general emission standards contained in the following table shall apply to each source operation unless a specific emission standard for the process involved is prescribed in this article or chapter, in which case the specific standard shall apply. No person shall permit, cause, suffer, or allow the emission into the outdoor atmosphere of particulate matter from any source in excess of the emission standards specified hereunder.

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TABLE I  
GENERAL EMISSION STANDARD  
ALLOWABLE RATE OF EMISSION BASED ON PROCESS WEIGHT RATE\*

Process	Weight-Rate	Emission Rate
Lb/Hr	Tons/Hr	Lb/Hr
100	0.05	0.55
200	0.10	0.88
400	0.20	1.40
600	0.30	1.83
800	0.40	2.22
1,000	0.50	2.58
1,500	0.75	3.38
2,000	1.00	4.10
2,500	1.25	4.76
3,000	1.50	5.38
3,500	1.75	5.96
4,000	2.00	6.52
5,000	2.50	7.58
6,000	3.00	8.56
7,000	3.50	9.49
8,000	4.00	10.4
9,000	4.50	11.2
10,000	5.00	12.0
12,000	6.00	13.6
16,000	8.00	16.5
18,000	9.00	17.9
20,000	10.00	19.2
30,000	15.00	25.2
40,000	20.00	30.5
50,000	25.00	35.4
60,000	30.00	40.0
70,000	35.00	41.3
80,000	40.00	42.5
90,000	45.00	43.6
100,000	50.00	44.6
120,000	60.00	46.3
140,000	70.00	47.8
160,000	80.00	49.0
200,000	100.00	51.2
1,000,000	500.00	69.0
2,000,000	1,000.00	77.6
6,000,000	3,000.00	92.7

\*Interpolation of the data in this table for process weight rates up to 60,000 lb/hr shall be accomplished by the use of the equation

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$$E = 4,10 P^{0.67},$$

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lb/hr shall be accomplished by use of the equation

$$E = 55.0 P^{0.11} - 40,$$

where E = rate of emission in lb/hr, and

P = process weight in tons/hr

- (b) For the purpose of this section, Iowa Administrative Code subrule 567))23.3(2)b. is adopted by reference and is incorporated herein by this reference as fully though set forth in their entirety.

5-16. SPECIFIC EMISSION STANDARDS.

- (a) Asphalt batching plants. No person shall cause, permit, or allow the operation of an asphalt batching plant in a manner such that the particulate matter discharged into the atmosphere exceeds 0.15 grain per standard cubic foot of exhaust gas.
- (b) Cement kilns. Cement kilns shall be equipped with air pollution control devices to reduce the particulate matter in the gas discharged to the atmosphere to no more than 0.3 percent of the particulate matter entering the air pollution control device. Regardless of the degree of efficiency of the air pollution control device, cement kilns shall not cause, permit or allow particulate matter discharged from such kilns to exceed 0.10 grain per standard cubic foot of exhaust gas.
- (c) Cement plants. No person shall cause, permit or allow the operation of a cement manufacturing plant in a manner such that the particulate matter discharged into the atmosphere exceeds 0.10 grain per standard cubic foot of exhaust gas from the following equipment:
- (1) Clinker cooler exhaust.
  - (2) Coal grinding mills.
  - (3) Finish cement mills.
  - (4) Storage silos.

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- (d) Cupolas for metallurgical melting. The emissions of particulate matter from all new foundry cupolas, and from all existing foundry cupolas with a process weight rate in excess of 20,000 pounds per hour, shall not exceed the amount determined from Table 1 of section 5-15 of this chapter, except as provided in section 5-17 of this chapter.
- (e) Existing small cupolas. The emissions of particulate matter from all existing foundry cupolas with a process weight rate less than or equal to 20,000 pounds per hour shall not exceed the amount determined from the following table, except as provided in section 5-17 of this chapter.

TABLE II  
ALLOWABLE EMISSIONS FROM EXISTING SMALL FOUNDRY CUPOLAS

Process weight rate (lb/hr)	Allowable Emission (lb/hr)
1,000	3.05
2,000	4.70
3,000	6.35
4,000	8.00
5,000	9.58
6,000	11.30
7,000	12.90
8,000	14.30
9,000	15.50
10,000	16.65
12,000	18.70
16,000	21.60
18,000	23.40
20,000	25.10

- (f) Electric furnaces for metallurgical melting. The emissions of particulate matter into the atmosphere from electric furnaces used for metallurgical melting shall not exceed 0.10 grain per standard cubic foot of exhaust gas.
- (g) Grain processing, feed grinding, and mixing plants. No person shall cause, permit or allow the operation of equipment for the handling, drying, grinding, mixing, processing, or blending of grain, grain products or grain by-products, for use as food for human consumption, as animal food, or food supplement such that the particulate matter discharged to the atmosphere exceeds 0.10 grain per

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standard cubic foot of exhaust gas. This subsection shall not apply to portable equipment used only on farms and ranches for agricultural purposes.

- (h) Lime kilns. No person shall cause, permit or allow the operation of a kiln for the processing of limestone such that the particulate matter in the gas discharged to the atmosphere exceeds 0.10 grain per standard cubic foot of exhaust gas.
- (i) Meat smokehouses. No person shall cause, permit or allow the operation of a meat smokehouse, or a group of meat smokehouses, which consume more than ten pounds of wood, sawdust, or other material per hour such that the particulate matter discharged to the atmosphere exceeds 0.20 grain per standard cubic foot of exhaust gas.
- (j) Phosphate processing plants. No person shall cause, permit or allow the operation of equipment for the processing of phosphate, ore, rock, or other phosphatic material including, but not limited to, phosphoric acid in a manner that the unit emissions of fluoride exceed 0.40 pound of fluoride per ton of phosphorous pentoxide or its equivalent, but not more than 100 pounds per day. The allowable total emission of fluoride shall be calculated by multiplying the unit emission specified above by the expressed design production capacity of the process equipment.
  - (1) Phosphoric acid manufacture. No person shall allow, cause or permit the operation of equipment for the manufacture of phosphoric acid that was in existence on October 22, 1974 in a manner that produces more than 0.04 pounds of fluoride per ton of phosphorus pentoxide or equivalent input.
  - (2) Diammonium phosphate manufacture. No person shall allow, cause or permit the operation of equipment for the manufacture of diammonium phosphate that was in existence on October 22, 1974 in a manner that produces more than 0.15 pound of fluoride per ton of phosphorus pentoxide or equivalent.
  - (3) Nitrophosphate manufacture. No person shall allow, cause or permit the operation of equipment for the manufacture of nitrophosphate in a manner that produces



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more than 0.06 pounds of fluoride per ton of phosphorus pentoxide or equivalent input.

- (4) No person shall allow, cause or permit the operation of equipment for the processing of phosphate ore, rock or other phosphatic material (other than equipment used or the manufacture of phosphoric acid, diammonium phosphate or nitrophosphate) in a manner that the unit emissions of fluoride exceed 0.4 pounds of fluoride per ton of phosphorous pentoxide or its equivalent input.
- (5) Notwithstanding "1" through "4", no person shall allow, cause or permit the operation of equipment for the processing of phosphorous ore, rock or other phosphatic material including, but not limited to, phosphoric acid, in a manner that emissions of fluorides exceed 100 pounds per day.
- (6) Fluoride means elemental fluorine and all fluoride compounds as measured by reference methods specified in Appendix A to 40 CFR part 60 as amended through March 15, 1979.
- (7) Calculation. The allowable total emission of fluoride shall be calculated by multiplying the unit emission specified above by the expressed design production capacity of the process equipment.
- (k) Portland cement concrete batching plants. No person shall cause, permit or allow the operation of a portland cement concrete batching plant such that the particulate matter discharged to the atmosphere exceeds 0.10 grain per standard cubic foot of exhaust gas.
- (l) Sand handling and surface finishing operations in metal processing. This section shall apply to any new foundry or metal processing operation not properly termed a combustion, melting, baking or pouring operation. For purposes of this section, a new process is any process which has not started operation, or the construction of which has not commenced, or the components of which have not been ordered, or contracts for the construction of which have not been let on August 1, 1977. No person shall allow, cause, or permit the operation of any equipment designed for sand shakeout, mulling, molding, cleaning, preparation, reclamation or rejuvenation or any equipment for abrasive cleaning, shot

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blasting, grinding, cutting, sawing or buffing in such manner that particulate matter discharged from any stack exceeds 0.05 grain per dry standard cubic foot of exhaust gas, regardless of the types and number of operations that discharge from the stack.

- (m) Painting and surface coating operations. No person shall cause, permit or allow painting and surface coating operations in a manner such that particulate matter in the gas discharge exceeds 0.01 grain per standard cubic foot of exhaust gas.

5-17. EXCESS EMISSIONS.

- (a) Excess Emission During Periods of Startup, Shutdown, or Cleaning of Control Equipment. Excess emission during a period of startup, shutdown, or cleaning of control equipment is not a violation of the emission standard if the startup, shutdown or cleaning is accomplished expeditiously and in a manner consistent with good practice for minimizing emissions. Cleaning of control equipment which does not require the shutdown of the process equipment shall be limited to a period or periods aggregating not more than six minutes in any sixty minutes.
- (b) Oral Report of Excess Emissions. An incident of excess emission (other than incident of excess emission during a period of startup, shutdown or cleaning) shall be reported to the Air Pollution Control Division of the Polk County Public Works Department within eight hours of, or at the start of the first working day following the onset of the incident. The reporting exemption for an incident of excess emission during startup, shutdown, or cleaning does not relieve the owner or operator of a source with continuous monitoring equipment of the obligation of submitting reports required in Section 5-18 (b) (4).

The oral report may be made in person or by telephone and shall include as a minimum the following:

- (1) The identity of the equipment or source operation from which the excess emission originated and the associated stack or emission point.
- (2) The estimated quantity of the excess emission.

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- (3) The time and expected duration of the excess emission.
  - (4) The cause of the excess emission.
  - (5) The steps being taken to remedy excess emission.
  - (6) The steps being taken to limit the excess emission in the interim period.
- (c) Written Report of Excess Emission. A written report of an incident of excess emission shall be submitted as a follow-up to all required oral reports to the APCD within seven days of the onset of the upset condition and shall include as a minimum the following:
- (1) The identity of the equipment or source operation from which the excess emission originated and the associated stack or emission point.
  - (2) The estimated quantity of the excess emission.
  - (3) The time and duration of the excess emission.
  - (4) The cause of the excess emission.
  - (5) The steps that were taken to remedy and to prevent the recurrence of the incident of excess emission.
  - (6) The steps that were taken to limit the excess emission.
  - (7) If the owner claims that the excess emission was due to malfunction, documentation to support this claim.
- (d) Excess Emissions. An incident of excess emission (other than an incident during startup, shutdown or cleaning of control equipment) is a violation. If the owner or operator of a source maintains that the incident of excess emission was due to a malfunction, the owner or operator must show that the conditions which caused the incident of excess emission were not preventable by reasonable maintenance and control measures. Determination of any subsequent enforcement action will be made following review of this report. If excess emissions are occurring, either the control equipment causing the excess emission shall be

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repaired in an expeditious manner or the process generating the emissions shall be shut down within a reasonable period of time. An expeditious manner is the time necessary to determine the cause of the excess emissions and to correct it within a reasonable period of time. A reasonable period of time is eight hours plus the period of time required to shut down the process without damaging the process equipment. In the case of an electric utility, a reasonable period of time is eight hours plus the period of time until comparable generating capacity is available to meet consumer demand with the affected unit out of service, unless the health officer shall, upon investigation, reasonably determine that continued operation constitutes an unjustifiable environmental hazard and interest and require a process shutdown to commence immediately.

- (e) Subsections (2) through (d) notwithstanding, a fossil fuel-fired steam generator to which 5-16(n)(1), 5-16(n)(26), or 5-16(n)(55) applies shall comply with 5-16(n)(1), 5-16(n)(26), or 5-16(n)(55).

### 5-17.1 MAINTENANCE AND REPAIR REQUIREMENTS.

- (a) Maintenance and Repair. The owner or operator of any equipment shall:
  - (1) Maintain and operate the equipment or control equipment at all times in a manner consistent with good practice for minimizing emissions.
  - (2) Remedy any cause of excess emissions in an expeditious manner.
  - (3) Minimize the amount and duration of any excess emission to the maximum extent possible during periods of such emissions. These measures may include but not be limited to the use of clean fuels, production cutbacks, or the use of alternate process units or, in the case of utilities, purchase of electrical power until repairs are completed.
  - (4) Implement measures contained in any contingency plan prepared in accordance with Section 5-17(b) (3).

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- (5) Schedule, at a minimum, routine maintenance of equipment or control equipment during periods of process shutdown to the maximum extent possible.
- (b) Maintenance Plans. A maintenance plan will be required for equipment or control equipment where, in the judgement of the health officer, a continued pattern of excess emissions indicative of inadequate operation and maintenance is occurring. The maintenance plan shall include, but not be limited, to the following:
  - (1) A complete preventive maintenance schedule including identification of the persons responsible for inspecting, maintaining and repairing control equipment, a description of the items or conditions that will be inspected, the frequency of these inspections or repairs, and an identification of the replacement parts which will be maintained in inventory for quick replacement;
  - (2) An identification of the equipment and air pollution equipment operating variables that will be monitored in order to detect a malfunction or failure, the normal operating range of these variables, and a description of the method of monitoring and surveillance procedures.
  - (3) A Contingency Plan for minimizing the amount and duration of any excess emissions to the maximum extent possible during periods of such emissions.

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ARTICLE VII. PERFORMANCE TEST FOR STACK EMISSION TEST

5-18. TESTING AND SAMPLING OF NEW AND EXISTING EQUIPMENT.

(a) When stack emission tests are required, the following conditions must be satisfied:

(1) The owner of new or existing equipment of the owner's authorized agent shall conduct emission tests to determine compliance with applicable rules in accordance with these requirements.

a. General- The owner of new or existing equipment or the owner's authorized agent shall notify the director in writing, not less than thirty (30) days before a test or performance evaluation of a continuous emission monitor is performed to determine compliance with applicable requirements of Chapter V or a permit condition. Such notice shall include the time, the place, the name of the person who will conduct the tests and other information as required by the department. Unless specifically waived by the department, a pretest meeting shall be held not later than fifteen (15) days prior to conducting the compliance demonstration. The department may accept a testing protocol in lieu of the pretest meeting. A representative of the department shall be permitted to witness the tests. Results of the tests shall be submitted in writing to the director in the form of a comprehensive report within six weeks of the completion of the testing. Results shall be accompanied with the appropriate fees as established by the Polk County Board of Supervisors.

b. New equipment - Unless otherwise specified by the department, all new equipment shall be tested by the owner or the owner's authorized agent to determine compliance with applicable emission limits. Tests conducted to demonstrate compliance with the requirements of Chapter V shall be conducted within sixty (60) days of achieving maximum production but no later than one hundred eighty (180) days of startup.

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- c. Existing equipment - The Health Officer may require the owner or the owner's authorized agent to conduct an emission test on any equipment if the director has reason to believe that the equipment does not comply with applicable requirements. Grounds for requiring such a demonstration of compliance include a modification of control or process equipment, age of equipment, or observation of opacities or other parameters outside the range of those indicative of properly maintained and operated equipment. Testing may be required as necessary to determine actual emissions from a source where that source is believed to have significant impact on the public health or ambient air quality of an area. The Health Officer shall provide the owner or agent not less than thirty (30) days to perform the compliance demonstration and shall provide written notice of the requirement.
- (2) Methods and procedures for non-NSPS Sources. Stack sampling and associated analytical methods used to evaluate compliance with emission limitations of this chapter are those specified in the "Air Quality Compliance Sampling Manual" adopted by the Iowa Air Quality Commission on May 19, 1977, as revised through February 24, 1993.
- (3) Sampling methods, analytical determinations and minimum performance specifications for performance evaluations of continuous monitor systems are those found in "Appendix B 40 C.F.R. Part 60" (Standards of Performance for New Stationary Sources), amended through May 17, 1993. A copy of the Air Quality "Compliance Sampling Manual" and Appendix B, 40 C.F.R. Part 60" are on file in the office of the health officer of Polk County, Iowa and is incorporated herein by this reference as fully as though set forth in its entirety.
- (4) The performance test specified in section 5-6 (a) (3) of this chapter may be required on any incinerator, and shall be required on each new or modified incinerator.
- (b) The following sets out requirements for continuous monitoring of certain specified sources of air contaminants:

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- (1) Continuous monitoring of opacity from coal-fired steam generating units. The owner or operator of any coal-fired or coal-gas-fired steam generating unit with a rated capacity of greater than 250 million BTU's per hour heat input shall install, calibrate, maintain, and operate continuous monitoring equipment to monitor opacity. If an exhaust services more than one steam generating unit as defined in the preceding sentence, the owner has the option of installing opacity monitoring equipment on each unit or on the common stack.

Such monitoring equipment shall conform to performance specifications specified in section 5-18 (a) (2) of this chapter, and shall be operational by January 20, 1979. The health officer may require the owner or operator of any coal-fired or coal-gas-fired steam generating unit to install, calibrate, maintain and operate continuous monitoring equipment to monitor opacity whenever the compliance status, history of operations, ambient air quality in the vicinity surrounding the generator or the type of control equipment utilized would warrant such monitoring.

- (2) Continuous monitoring of sulfur dioxide from sulfuric acid plants. The owner or operator of any sulfuric acid plant of greater than 300 tons per day production capacity, the production being expressed as 100 percent acid, shall install, calibrate, maintain and operate continuous monitoring equipment to monitor sulfur dioxide emissions. Said monitoring equipment shall conform to the minimum performance specifications specified in section 5-18 (a) (2) of this chapter and shall be operational on or before January 20, 1979.
- (3) Maintenance of records of continuous monitors. The owner or operator of any facility which is required by sections 5-18 (b) (1) and 5-18 (b) (2) of this chapter to install, calibrate, maintain, and operate continuous monitoring equipment shall maintain, for a minimum of two years, a file of all information pertinent to each monitoring system present at the facility. Such information must include but is not limited to all emissions data (raw data, adjusted data, and any or all adjusted factors used to convert emissions from units



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of measurement to units of the applicable standard), performance evaluations, calibrations and zero checks, and records of all malfunctions of monitoring equipment or source and repair procedures performed.

- (4) Reporting of continuous monitoring information. The owner or operator of any source affected by sections 5-18 (b) (1) and 5-18 (b) (2) of this chapter shall report to the health officer on forms provided by the health officer, on a quarterly basis, all periods of recorded emissions in excess of the applicable standards, the results of all calibrations and zero checks and performance evaluations occurring during the reporting period, and any periods of monitoring equipment malfunctions or source upsets and any apparent reasons for these malfunctions and upsets.
- (5) Exemptions from continuous monitoring requirements. The owner or operator of any source affected by sections 5-18 (b) (1) and 5-18 (b) (2) of this chapter is exempt if it can be demonstrated that any of the conditions set forth in this subsection is met with the provision that periodic recertification of the existence of these conditions can be requested.
  - (i) An affected source is subject to a new source performance standard promulgated in 40 C.F.R. Part 60 (Standards of Performance for New Stationary Sources).
  - (ii) An affected steam generator had an annual capacity factor for calendar year 1974 as reported to the Federal Power Commission, of less than 30 percent of the projected use of the unit indicates the annual capacity factor will not be increased about 30 percent in the future.
  - (iii) An affected steam generator is scheduled to be retired from service on or before July 20, 1982.
  - (iv) The health officer may provide a temporary exemption from the monitoring and reporting requirements during any period of monitoring system malfunction, provided that the source owner or operator shows, to the satisfaction of the

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health officer that the malfunction was unavoidable and is being repaired as expeditiously as practical.

- (6) Extensions. The owner or operator of any source affected by sections 5-18 (b) (1) and 5-18 (b) (2) of this chapter may request an extension of time provided for installation of the required monitor by demonstrating to the health officer that good faith efforts have been made to obtain and install the monitor in the prescribed time.
- (7) Continuous emission monitoring under the acid rain program. The continuous emission monitoring requirements for affected units under the acid rain program as provided in 40 CFR 75 as adopted January 11, 1993, and as corrected or amended through May 17, 1995 are adopted by reference.

### 5-19. TEST FACILITIES.

- (a) Within sixty days after being notified by the health officer, it shall be the responsibility of the person having control over the operation of any equipment to be tested under this chapter to provide at his expense, but subject to the approval of the health officer, the initial and annual performance or by any other qualified person. The performance or stack emission test may be observed by the health officer or his designated representative. Performance test review fees may be established by resolution of the Polk County Board of Supervisors.
- (b) It shall be the responsibility of the person having control over the operation of any equipment to be tested under this chapter to provide at his expense reasonable and necessary openings in the system or stack and safe and easy access thereto in order to permit technically valid samples and measurements to be taken for the purposes of this chapter. All new potential sources of air contaminants erected after the effective date of this chapter shall at the time of construction be provided of this chapter shall at the time of construction by provided with adequate openings in the system or stack, and safe and easy access thereto in order to permit technically valid samples and measurements to be taken under this chapter and the plans therefor shall show such openings.

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ARTICLE IX. FUGITIVE DUST; SULFUR COMPOUNDS

DIVISION 1. FUGITIVE DUST

5-23. FUGITIVE DUST))GENERALLY.

For the purpose of minimizing atmospheric pollution, the health officer shall have the authority to prohibit sources from allowing particulate emissions into the atmosphere without taking reasonable precautions as listed and defined in Article IX, Division 1. For guidance on the types of controls which may constitute reasonable precautions, see "Identification of Techniques for the Control of Industrial Fugitive Dust Emissions" as adopted by the Commission on May 19, 1981. Such reasonable precautions shall include, but shall not be limited to:

- (1) Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
- (2) Application of asphalt, water, or suitable chemicals on dirt roads, material stockpiles, or other surfaces which can give rise to airborne dusts;
- (3) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operations;
- (4) Covering, at all times when in motion, open bodied trucks transporting materials likely to give rise to airborne dusts;
- (5) The paving of roadways and their maintenance in a clean condition;
- (6) The prompt removal of earth or other material from paved streets onto which earth or other material has been transported or deposited by trucking or earth moving equipment, by water erosion, or by other means.

5-24. FUGITIVE DUST))PRECAUTIONS TO MINIMIZE POLLUTION.

- (a) It shall be unlawful for any person handling, loading, unloading, reloading, storing, transferring, transporting,

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placing, depositing, throwing, discarding, or scattering any ashes, fly ash, cinders, slag or dust collected from any combination process, any dust, dirt, chaff, wastepaper, trash, rubbish, waste or refuse matter of any kind, or any other substance or material whatever, which is likely to be scattered by the wind, or is susceptible to being wind-borne, to do so without taking reasonable precautions or measures to prevent particulate matter from becoming airborne so as to minimize atmospheric pollution.

- (b) It shall be unlawful for any person to operate or maintain any building structure, or premises, open area, storage pile of materials, yard, vessel, or construction, alteration, building, demolition or wrecking or salvage operation, or any other enterprise, which has or involves any matter, material, or substance likely to be scattered by the wind or susceptible to being wind-borne, without taking reasonable precautions or measures to prevent particulate matter from becoming airborne so as to minimize atmospheric pollution.

### 5-25. FUGITIVE DUST))AIRBORNE MATERIAL PROHIBITED.

No person shall cause, allow, or permit any material in a manner described in sections 5-23 and 5-24; of this chapter to become airborne in such quantities and concentrations that it remains visible in the ambient air, or is deposited beyond the premises where it originates.

### 5-26. FUGITIVE DUST))EXCEPTIONS.

Sections 5-23 to 5-25 of this chapter shall not apply to the following:

- (1) Dust generated by ordinary travel on unpaved Public roads within attainment and unclassified areas;
- (2) Agricultural operations including tilling, plating, cultivating, or harvesting within a field, the moving of livestock on foot, or the hauling of produce within the confines of a farm; or
- (3) Driveways limited to residential use.

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DIVISION 2. SULFUR COMPOUNDS

5-27. SULFUR DIOXIDE AND SULFURIC ACID MIST.

The provisions of this section shall apply to any installation from which sulfur compounds are emitted into the atmosphere except where a specific emission standard on sulfur compound emission has been established in another section of this chapter.

(1) Sulfur dioxide from solid fuel use:

- (a) After January 1, 1975, no person shall cause, permit or allow the emission of sulfur dioxide into the atmosphere in an amount greater than five pounds, replicated maximum two hour average, per million BTU's of heat input from any solid fuel-burning installation for any combination of fuels burned with total heat input equal to or greater than 250 million BTU's per hour.
- (b) No person shall cause, permit, or allow the emission of sulfur dioxide into the atmosphere in an amount greater than six pounds, replicated maximum three hour average, per million BTU's of heat in-put from any solid fuel-burning installation for any combination of fuels burned with total heat input less than 250 million BTU's per hour.

(2) Sulfur dioxide from liquid fuels.

- (a) After January 1, 1975, no person shall cause, permit or allow the emission of sulfur dioxide into the atmosphere in an amount greater than 2.5 pounds of sulfur dioxide, replicated maximum three hour average, per million BTU's of heat input from any liquid-fuel burning installation burning residual oil as defined in Article I.
- (b) No person shall cause, permit or allow the emission of sulfur dioxide into the atmosphere in an amount greater than 0.5 pounds of sulfur dioxide, replicated maximum three hour average, per million BTU's of heat input from any liquid-fuel burning installation burning distillate oil as defined in Article I.

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- (3) Sulfur dioxide from sulfuric acid manufacture. After January 1, 1975, no person shall cause, permit or allow the emission of sulfur dioxide from an existing sulfuric acid manufacturing plant in excess of 30 pounds of sulfur dioxide, maximum three hour average, per ton of product calculated as 100 percent sulfuric acid.
- (4) Acid mist from sulfuric acid manufacture. After January 1, 1974, no person shall cause, permit or allow the emission of acid mist calculated as sulfuric acid from an existing sulfuric acid manufacturing plant in excess of 0.5 pounds, maximum three hour average, per ton of product calculated as 100 percent sulfuric acid.
- (5) Other processes capable of emitting sulfur dioxide. After January 1, 1978, no person shall cause, permit or allow the emission of sulfur dioxide from any process, other than sulfuric acid manufacture, in excess of 500 parts per million, based on volume. This paragraph shall not apply to devices which have been installed for air pollution abatement purposes where it is demonstrated by the owner of the source that the ambient air quality standards are not being exceeded.

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## ARTICLE X. PERMITS

### DIVISION 1. CONSTRUCTION PERMITS

#### 5-28. CONSTRUCTION PERMIT REQUIRED.

No person shall construct, reconstruct, or alter any fuel-burning equipment, refuse-burning equipment, incinerator, control equipment, or other equipment as defined in this chapter without first securing a construction permit, prior to the initiation of construction, installation or alteration of any portion of the stationary source.

#### 5-29. APPLICATION FOR PERMIT.

Each application for a construction permit shall be submitted to the health officer on a form provided by the officer. Such application shall be accompanied by detailed plans and specifications in duplicate prepared by or under the direct supervision of an engineer in conformance with Iowa Code Chapter 542B. Plans and specifications and information submitted shall include the following:

- (1) A description of the equipment or control equipment which is the subject of the application;
- (2) A plot plan, including the distance and height of nearby buildings, and including the location and elevation of any emission points;
- (3) The composition of the effluent stream, both before and after any control equipment, with estimates of emission rates, concentration, volume, and temperature;
- (4) The physical and chemical characteristics of the air contaminants;
- (5) The proposed dates and description of any tests to be made by the owner or operator of the completed installation to verify compliance with applicable emissions limits or standards of performance;
- (6) The sampling holes, scaffolding, power sources for operation of appropriate sampling instruments, and pertinent allied facilities for making tests to ascertain compliance with this chapter; and

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- (7) Any additional pertinent information as might be deemed necessary by the health officer to determine compliance with this chapter.

### 5-30. PROCESSING OF APPLICATIONS FOR PERMITS.

The health officer shall notify the applicant in writing of the completeness of the construction permit as soon as practicable but in no event shall such notification be made later than 60 days after application is made. When this schedule would cause undue hardship to an applicant, a request for priority consideration and the justification therefor shall be submitted to the health officer.

A notice of intent to issue a construction permit for a new major stationary source or a major modification at an existing source or a synthetic minor modification at an existing major source shall be published by the Health Officer in a newspaper having general circulation in the area affected by the emissions of the proposed source. The notice and supporting documentation shall be made available for public inspection upon request from the Polk County Public Works Office. Publication of the notice shall be made at least thirty days prior to issuing a permit and shall include the Health Officer's evaluation of ambient air impacts. The public may submit written comments or request a public hearing. If the response indicates significant interest, a public hearing may be held after due notice.

### 5-31. ISSUANCE OF PERMIT.

In no case shall a construction permit, which results in an increase in emissions, be issued to any facility which is in violation of any condition found in a permit involving PSD, NSPS, NESHAP or a provision of the Iowa State Implementation Plan. If the violation has been addressed by an order or permit condition, the health officer may consider issuance of a construction permit. A construction permit shall be issued when the health officer concludes:

- a. That the required plans and specifications represent equipment which reasonably can be expected to comply with all applicable emission standards; and



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- b. That the expected emissions from the proposed source or modification in conjunction with all other emissions will not prevent the attainment or maintenance of the ambient air quality standards, and
- c. That the applicant has not relied on emission limits based on stack height that exceeds good engineering practice or any other dispersion techniques as defined in 5-15(b)
- d. That the applicant has met all other applicable requirements.

Said permit shall be in writing and shall be sent by mail to the applicant. A permit may be issued subject to reasonable conditions and safeguards which shall be specified in writing by the health officer. The Health Officer may limit a source's potential to emit, as defined at V-I, 5-2, in the source's construction permit for the purpose of establishing federally enforceable limits on the source's potential to emit. In addition, the construction permit shall contain the following information and qualification:

- (1) Each permit shall specify the date upon which it will become void if work on the installation for which it was issued has not been initiated;
- (2) Each permit shall not be transferable from one location to another or from one piece of equipment to another;
- (3) If changes are proposed in the plans and specification after a construction permit has been issued, a supplemental permit incorporating such changes shall be obtained;
- (4) Each permit shall require the health officer to be notified at least ten days before the subject equipment is placed into operation.

### 5-32. DENIAL OF PERMIT.

In the event an application for a construction permit is denied, the applicant shall be so notified in writing stating the reasons therefor. Such a denial shall be without prejudice to the right of the applicant to file further application after revisions have been made to meet the objections of the health officer.

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5-33. EXEMPTIONS FROM PERMIT REQUIREMENTS.

A permit shall not be required for the following equipment unless said permit is necessary to comply with the requirements of the state's Prevention of Significant Deterioration (PSD) of air quality regulations (IAC 567-22.4(455B) or the state's Special requirements for Nonattainment Areas (IAC 567-22.5(455B)).

- (1) Fuel-burning equipment for indirect heating and reheating furnaces using natural or liquified petroleum gas exclusively, with a capacity of less than 10 million BTU per hour input;
- (2) Fuel-burning equipment for indirect heating with a capacity less than one million BTU per hour input when burning No. 1 or No. 2 fuel oil exclusively;
- (3) Any fuel-burning equipment used for indirect heating in a single or two-family dwelling;
- (4) Mobile internal combustion engines and jet engines, marine engines, and locomotives;
- (5) Equipment used on farms or ranches for agricultural purposes.
- (6) Incinerators with a manufacturer's design capacity equal to or less than 25 pounds per hour and complying with Section 5-6 installed within a single family dwelling;
- (7) The equipment in laboratories used exclusively for nonproduction chemical and physical analyses. Nonproduction analysis means analyses incidental to the production of a good or service and includes analyses conducted for quality assurance or quality control activities, or for the assessment of environmental impact;
- (8) Cooling and ventilating equipment: Comfort air conditioning not designed or used to remove air contaminants generated by, or released from, specific units of equipment.
- (9) Asbestos demolition and renovation projects subject to 40 CFR 61.145 as amended through July 15, 1994;

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- (10) Stack or vents to prevent escape of sewer gases through plumbing traps. Systems which include any industrial waste are not exempt;
- (11) Gasoline storage tanks with a capacity of 5,000 gallons or less and an annual through-put less than 40,000 gallons, and coolant, diesel fuel, detergents, fuel oil, LPG, lubricating oils, and other nonhazardous air pollutant emitting storage tanks with a capacity of less than 10,570 gallons and an annual throughput less than 40,000 gallons;
- (12) Fugitive dust controls unless a control efficiency can be assigned to the equipment or control equipment;
- (13) Equipment or control equipment which emits odors unless such equipment or control equipment also emits particulate matter, or any other regulated air contaminant;
- (14) Brazing, soldering or welding equipment or portable cutting torches used only for non-production activities;
- (15) A nonproduction surface coating process that uses only hand-held aerosol spray cans.
- (16) Portable equipment previously permitted by the Iowa Department of Natural Resources upon submission of a permit copy submitted by the applicant.
- (17) Retail gasoline and diesel fuel handling facilities.

A permit will not be required if the alterations to the equipment will not change the emissions from that equipment. However, a review of the project plans by the APCD may be required to substantiate the permit exemption.

### 5-34 CONSTRUCTION PERMIT FILING/REVIEW FEES.

- (a) All fees prescribed for construction permit filing and/or review shall be made payable to the County Treasurer of Polk County, Iowa and shall accompany each application for permit. All sums so received shall become part of the Air Pollution fund. A receipt shall be issued to the person making such payment, stating the amount and purpose for which such fee has been paid. A duplicate of the receipt shall be made part of the records of the Air Pollution Control Division (APCD).

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- (b) Filing fee schedule. Filing fees shall be established by resolution of the Polk County Board of Supervisors.
- (c) Review Fee. Construction permit application review fees shall be established by resolution of the Polk County Board of Supervisors.
- (d) When impact on ambient air quality must be analyzed, the computer model approved by the United States Environmental Protection Agency's Region VII office shall be used.
- (e) Exemption for certain applicants. The health officer, upon receipt of timely application, shall exempt from payment of all fees public schools, municipal corporations and Federal or State facilities.
- (f) Investigation Fees: Work Without a Permit.
  - 1. Investigation. Whenever any work for which a permit is required by this chapter has been commenced without obtaining said permit, a special investigation shall be made before a permit may be issued for such work.
  - 2. Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by these rules.

## DIVISION 2. OPERATING PERMITS

### 5-35. OPERATING PERMIT REQUIRED

- (a) Unless operating in compliance with a properly issued Title V Operating Permit, no person shall operate any equipment whether existing equipment or new equipment as defined in this chapter, without first securing an operating permit from the health officer. Such permit shall be in addition to any permits which may be required by the county department of building or any other permits required by this chapter.
- (b) Eligibility for conditional operating permits. Any person who owns or operates a major source otherwise required to

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obtain a Title V operating permit may instead obtain a conditional operating permit following successful demonstration of the following:

- (1) That the potential to emit of each regulated pollutant shall be limited to less than 100 tons per 12-month rolling period;
  - (2) That the actual emissions of each regulated pollutant, including fugitive emissions, has been and is predicted to be less than 100 tons per 12-month rolling period; and
  - (3) That the potential to emit of each regulated hazardous air pollutant shall be less than 10 tons per 12-month rolling period and the potential to emit of all regulated hazardous air pollutants shall be less than 25 tons per 12-month rolling period.
  - (4) That the actual emissions of each regulated hazardous air pollutant, including fugitives, has been and is predicted to be less than 10 tons per 12-month rolling period and the actual emissions of all regulated hazardous air pollutants has been and is predicted to be less than 25 tons per 12-month rolling period.
- (c) No source may operate after the time that it is required to submit a timely and complete application for an operating permit, except in compliance with a properly issued Title V operating permit or a properly issued conditional operating permit. However, if a source submits a timely and complete application for a conditional operating permit (or for renewal of a conditional operating permit), then the source's failure to have a permit is not a violation of this chapter until the Health Officer takes final action on the permit application, except as noted in this Article.
- This protection shall cease to apply if, subsequent to the completeness determination, the applicant fails to submit, by the deadline specified in writing by the health officer, any additional information identified as needed to process the application.
- (d) When portable equipment for which an operating permit has been issued is transferred from one location to another, the health officer shall be notified in writing at least 30 days

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prior to transferring to the new location. The owner or operator will be notified at least ten days prior to the scheduled relocation if said relocation will cause disapproval of the existing permit.

### 5-35.1 ANNUAL/OPERATING PERMIT FEES.

- (a) Payment of Fees: All fees prescribed for the issuance of operating permits shall be made payable to the County Treasurer of Polk County, Iowa and shall accompany each application for a permit. All sums so received shall become part of the Air Pollution fund.
- (b) Permit Fee Schedule: Fees for operating permits shall be established by resolution of the Polk County Board of Supervisors.
- (c) Exemption for Certain Applicants: The health officer, upon receipt of timely application, shall exempt from payment of all fees public schools, municipal corporations and Federal/State facilities.
- (d) Each source in compliance with a current operating permit shall be exempt from Title V operating permit fees.

### 5-36. APPLICATION FOR PERMIT.

Any person seeking to obtain an operating permit for the operation of any equipment shall submit an application for the permit to the health officer on a form provided by the health officer.

- (1) Duty to apply. Any source which would qualify for a conditional operating permit must apply for either a conditional operating permit or a Title V operating permit. Any source determined not to be eligible for a conditional operating permit shall be subject to enforcement action for operation without a Title V operating permit. For each source applying for a conditional operating permit, the owner or operator or designated representative, where applicable, shall present or mail to the Polk County Air Pollution Control Division, a timely and complete permit application in accordance with this article.

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- (a) Timely application. Each source applying for a conditional operating permit shall submit an application:
  - (1) By November 15, 1994, if the source is applying for a conditional operating permit the first time;
  - (2) At least 30 days but not more than 90 days to the date of expiration if the application is for renewal;
  - (3) Within 30 days of becoming subject to this rule for a new source or a source which would otherwise become subject to the Title V permit requirement after the effective date.
- (b) Complete application. To be deemed complete, an application must provide all information required.
- (c) Duty to supplement or correct application. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to the issuance of a permit. Applicants who have filed a complete application shall have 30 days following notification by the health officer to file any amendments to the application.
- (d) Certification of truth, accuracy, and completeness. Any application form, report, or compliance certification submitted pursuant to these rules shall contain certification by a responsible official of truth, accuracy and completeness. This certification and any other certification required under these Articles shall state that, based on information and belief formed

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after reasonable inquiry, the statements and information in the document are true, accurate and complete.

5-37. PROCESSING OF APPLICATIONS FOR PERMITS.

- (a) The processing by the health officer of an application for an operating permit shall be accomplished as expeditiously as possible and if any error is made by this applicant in filling out the application form he shall be given the opportunity to amend or correct his application without prejudicing his right to obtain an operating permit.
- (b) To apply for a conditional operating permit, applicants shall complete the "Conditional Operating Permit Application Form" and supply all information required. The information submitted must be sufficient to evaluate the source, its application, predicted actual emissions from the source, and the potential to emit of the source; and to determine all applicable requirements. The applicant shall submit the information called for by the application form for all emissions units, including those having insignificant activities according to the provisions of 567-22.103 (455B) Iowa Administrative Code.
- (c) Unless the health officer requests additional information or otherwise notifies the applicant of incompleteness within 60 days of receipt of an application, the application shall be deemed complete. If, while processing an application that has been determined to be complete, the health officer determines that additional information is necessary to evaluate or take final action on that application, the health officer may request in writing such information and set a reasonable deadline for a response.
- (d) Public Notice and Public Participation.
  - (1) The health officer may provide public notice and an opportunity for public comment, including an opportunity for a hearing, before issuing or renewing a permit.
  - (2) Notice of the intended issuance or renewal of a permit shall be given by publication in a newspaper of general circulation in the area where the source is located or in a state publication designed to give general public



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notice. The department may use other means if necessary to ensure adequate notice to the affected public.

- (3) The public notice shall include: identification of the source; name and address of the permittee; the activity or activities involved in the permit action; the air pollutants or contaminants to be emitted; a statement that a public hearing may be requested, or the time and place of any public hearing which has been set; the name, address, and telephone number of a department representative who may be contacted for further information; and the location of copies of the permit application and the proposed permit which are available for public inspection.

- (4) At least 30 days shall be provided for public comments.

### 5-38. PERFORMANCE TEST.

- (a) Within 60 days after an application is made for an operating permit, the applicant shall at his sole expense provide a performance test of the equipment which test shall be used by the health officer to determine whether or not the equipment complies with the provisions of this chapter. The performance test shall be conducted as specified in article VII of this chapter. If the performance test reveals that the equipment does not meet the requirements of this chapter, an operating permit shall not be issued.
- (b) Upon application for a renewal of an operating permit the applicant shall not be required to provide another performance test unless the health officer has reason to believe that the equipment no longer complies with the provisions of this chapter.
- (c) Fuel-burning equipment for indirect heating and reheating furnaces using No. 1 or No. 2 grade fuel oil exclusively with a capacity less than 50 million BTU per hour input but greater than one million BTU per hour input shall be exempt from providing a performance test, but shall not be exempt from sections 5-35, 5-36, and 5-37 of this chapter.

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5-39. EXEMPTIONS FROM PERMIT REQUIREMENT.

(a) A permit shall not be required for the following equipment:

- (1) Incinerators with a manufacturer's design capacity equal to or less than 25 pounds per hour and complying with Section 5-6, installed within a single family dwelling.
- (2) The equipment in laboratories used exclusively for nonproduction chemical and physical analyses. Nonproduction analyses means analyses incidental to the production of a good or service and includes analyses conducted for quality assurance or quality control activities, or for the assessment of environmental impact.
- (3) Cooling and ventilating equipment: Comfort air conditioning not designed or used to remove air contaminants generated by, or released from, specific units of equipment.
- (4) Asbestos demolition and renovation projects subject to 40 CFR 61.145 as amended through July 15, 1994.
- (5) Stack or vents to prevent escape of sewer gases through plumbing traps. Systems which include any industrial waste are not exempt.
- (6) Gasoline storage tanks with a capacity of 5,000 gallons or less and an annual through-put less than 40,000 gallons, and coolant, diesel fuel, detergents, fuel oil, LPG, lubricating oils, and other nonhazardous air pollutant emitting storage tanks with a capacity of less than 10,570 gallons and an annual throughput less than 40,000 gallons;
- (7) Fugitive dust controls unless a control efficiency can be assigned to the equipment or control equipment.
- (8) Equipment or control equipment which emits odors unless such equipment or control equipment also emits particulate matter, or any other regulated air contaminant.

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- (9) Brazing, soldering or welding equipment or portable cutting torches used only for non-production activities.
  - (10) A nonproduction surface coating process that uses only hand-held aerosol spray cans.
  - (11) Retail gasoline and diesel fuel handling facilities.
- (b) A permit shall not be required for the following equipment unless said permit is necessary to comply with the requirements of the state's Prevention of Significant Deterioration (PSD) of air quality regulations (IAC 567-22.4(455B) or the state's Special requirements for Nonattainment Areas (IAC 567-22.5(455B)).
- (1) Fuel-burning equipment for indirect heating and reheating furnaces using natural or liquified petroleum gas exclusively, with a capacity of less than 10 million BTU per hour input.
  - (2) Any fuel-burning equipment used for indirect heating or food preparation in a single or two-family dwelling.
  - (3) Mobile internal combustion engines and jet engines, marine engines, and locomotives.
  - (4) Portable equipment used on farms or ranches for agricultural purposes.
  - (5) Equipment for which a compliance schedule has been negotiated pursuant to Article XI of this Chapter.

### 5-40. ISSUANCE OF PERMIT.

An operating permit shall be issued by the health officer when the health officer determines that the equipment complies with the requirements of this chapter. Said permit shall be in writing and shall be sent by mail to the applicant. The operating permit shall expire December 31st of each year and must be renewed annually. Operating permit applications will be provided by the health officer. The completed application shall be returned to the health officer within thirty (30) days of the date of the applicant's receipt of the application form. A permit may be issued subject to reasonable conditions and safeguards which shall be specified in writing by the health

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officer. Construction permit conditions issued during the permit term are automatically incorporated as operating permit conditions.

### 5-41. DENIAL OF PERMIT.

- (a) In the event an application for an operating permit is denied, the applicant shall be so notified in writing stating the reasons therefor. Such a denial shall be without prejudice to the right of the applicant to file further application or provide an additional performance test.
- (b) A operating permit application may be denied if:
  - (1) The health officer finds that a source is not in compliance with any applicable requirement; or
  - (2) An applicant knowingly submits false information in a permit application.
- (c) Once action has occurred denying a voluntary operating permit, the source shall apply for a Title V operating permit. Any source determined not to be eligible for a conditional operating permit may be subject to enforcement action for operating without a Title V operating permit.

### 5-42. OPERATING PERMIT NOT TO EXCUSE VIOLATION.

The issuance of an operating permit shall not be construed to mean that the applicant and the subject equipment need not meet the requirements of this chapter in the future nor shall it be taken to excuse noncompliance with the provisions of this chapter. Further, such a permit shall not constitute a defense to any action brought to enforce the provisions of this chapter.

### 5-43. INSPECTION.

It shall be the duty of the health officer to inspect all equipment for which an operating permit has been issued to determine if the equipment still complies with the provisions of this chapter.

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### 5-44. SUSPENSION OF PERMIT.

Whenever a notice of violation is issued as provided in section 5-74 of this chapter, the health officer may give further notice in writing that unless the provisions of the notice of violation are complied with within a reasonable time, the permit will be suspended. At the end of the period of time stated in the notice of violation, the health officer shall reinspect the equipment and if he finds that the provisions of the notice have not been complied with and the violations corrected, he shall give five days notice in writing by certified mail, return receipt requested, to the owner or operator of the equipment, that the permit is suspended. The owner or operator of the equipment shall cease operating the equipment on the date set forth in the notice.

### 5-45. TERMINATION OF SUSPENSION.

A suspension will be terminated by the health officer upon completion of the following:

- (1) Notification of the health officer by the owner or operator of the equipment that the provisions of the notice of violation have been met;
- (2) That upon reinspection the findings of the health officer demonstrate that full compliance with the notice of violation has been met, in addition to continued compliance with all provisions of this chapter;
- (3) When the requirements of (1) and (2) have been met, the health officer shall reinstate the permit.

### 5-46. ADDITIONAL ANALYSIS.

Whenever the health officer finds that an analysis of the emissions from any source, in addition to those tests provided in article VII of this chapter, is necessary to determine the extent and amount of pollutants being discharged into atmosphere which cannot be determined by visual observation, he may order the collection of samples and the analysis made by qualified personnel of the APCD, or by another recognized laboratory, without additional expense to the owner or operator of the source equipment.

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### 5-47. SUBMISSION OF INFORMATION.

To effectuate the purpose of this chapter, the health officer may require information about points of emission of air contaminants, whether by duct, stack, flue, equipment, or by any other means when such information is necessary for the conduct of the work of the health officer. A period of 30 days shall be allowed for the submission of such information. However, in cases of emergency, the health officer may designate any lesser time which he believes to be justified.

### 5-48. CIRCUMVENTION OF CHAPTER PROHIBITED.

No person shall build, erect, install, or use any article, machine, equipment or other contrivance which, without resulting in a reduction in the total amount of air contaminants released to the atmosphere, conceals an emission which would otherwise constitute violation of this chapter.

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DIVISION 3. RESERVED

5-49	RESERVED
5-50	RESERVED
5-51	RESERVED
5-52	RESERVED
5-53	RESERVED
5-54	RESERVED
5-55	RESERVED

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ARTICLE XI. COMPLIANCE SCHEDULES

5-56. COMPLIANCE SCHEDULES REQUIRED.

- (a) When the health officer determines that the emissions from existing equipment do not meet the requirements of this chapter and that legal action as provided for in this chapter would be inappropriate, he shall request that the owner or operator of the existing equipment submit a compliance schedule. The purpose of the compliance schedule is to allow a reasonable period of time in which the owner or operator of the existing equipment can implement a program of emissions reduction by reconstruction or alteration in order to comply with the provisions of this chapter.
- (b) A compliance schedule submitted to the health officer pursuant to this chapter shall include a written schedule for the installation of pollution control devices or the replacement or alteration of specified facilities in such a way that emissions of air contaminants are reduced to comply with the requirements of this chapter. The schedule must include, as a minimum, the following five increments of progress:
  - (1) The date of submittal of the final control plan to the health officer.
  - (2) The date by which contracts will be awarded for emission control systems, process modification or the date by which orders will be issued for the purchase of component parts to accomplish emission control or process modifications.
  - (3) The date of initiation of on-site construction or installation of emission control equipment or process change.
  - (4) The date by which on-site construction or installation of emission control equipment or process modification is to be completed.
  - (5) The date by which final compliance is to be achieved. Compliance schedules shall be reviewed at least semi-annually by the health officer.



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- (c) Failure to meet any increment of progress in the compliance schedule may result in the disapproval of the program and appropriate legal action under this chapter.
- (d) Each compliance schedule must be accompanied by the following written information:
  - (1) The name, address, and telephone number of the person submitting the application or, if such person is a legal entity, the name and address of the individual authorized to accept service of process on its behalf and the name of the person in charge of the premises where the pertinent activities are conducted.
  - (2) The type of business or activity involved;
  - (3) The nature of the operation or process involved, including information on the air contaminants emitted, the chemical and physical properties of such emissions, and the estimated amount and rate of discharge of such emissions;
  - (4) The exact location of the operation or process involved;
  - (5) Action taken to control air contaminants within emission limitations in effect prior to October 1, 1978.
  - (6) Efficiency of any existing control equipment relative to that which would be required to meet emission limitation of this chapter;
  - (7) Temporary interim control measures intended to be taken to minimize existing pollution levels;
  - (8) Each compliance schedule shall bear the signature of the person submitting the compliance schedule, following an affirmation that all statements are true and correct;
- (e) If the health officer determines that the compliance schedule demonstrates satisfactory progress towards the elimination or prevention of air pollution, the health

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officer shall submit his findings to the Polk County Board of Health with a recommendation for appropriate action to be taken by the board for:

- (1) Approval of the compliance schedule. The board of health shall approve the compliance schedule when it concludes that such action is appropriate and if it can be shown that the effect of the air contaminant emission presents no immediate hazard to the public health, safety or welfare. The compliance schedule may be granted approval subject to conditions specified by the board of health; or
- (2) Denial of compliance schedule. The board of health shall deny approval of a compliance schedule when it concludes that the schedule is not appropriate or that such action is required to prevent a hazard to the public health, safety or welfare. A denial shall be without prejudice to the right of the applicant to request a hearing before the board of health.

### 5-57. PROGRESS REPORTS REQUIRED.

- (a) Reports indicating the progress of any reconstruction programs, alterations or other plans to bring existing equipment into compliance with this chapter shall be submitted quarterly to the health officer by any person subject to an approved compliance schedule.
- (b) If the progress of the program is deemed by the health officer to be satisfactory because he finds either (1) that no progress has been made, or (2) that the amount of progress shown indicates an insincere attempt to comply with the terms of this chapter, or (3) that the program intended to be pursued would not reasonably bring the equipment into compliance with the terms of this chapter, or (4) that the program intended to be pursued would not reasonably bring the equipment into compliance with the terms of this chapter, or (5) that the program while sufficient to bring the equipment into compliance with the terms of this chapter is nevertheless designed or established so as to consume an inordinate or an unreasonable amount of time to bring the equipment into compliance, then the health officer may request the board of health to deny or suspend the compliance schedule and to institute appropriate legal proceedings to enforce this chapter.

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ARTICLE XII. NON ATTAINMENT AREAS

5-58 SPECIAL REQUIREMENTS FOR NON ATTAINMENT AREAS.

There is incorporated by this reference the "Special Requirements For Non Attainment Areas" as specified in Rule 567-22.5(455B) Iowa Administrative Code and to include any amendments or changes through February 14, 1996.

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### ARTICLE XIV. BOARD OF HEALTH

#### 5-62. DUTIES GENERALLY.

In addition to the specific duties of the board of health, set forth in this chapter, it shall be the duty of the board to:

- (1) Hold hearings when necessary and issue specific written decisions to the health officer;
- (2) Generally supervise the administration and enforcement of this chapter;
- (3) Authorize legal proceedings to be taken in appropriate cases when requested by the health officer or when deemed necessary by the board;
- (4) Review actions taken by the health officer when necessary and issue specific orders or recommendations consistent with this chapter.

#### 5-63. COMPLAINTS FILED.

Any person claiming to be aggrieved by any notice served upon him under this chapter may file with the health officer a written complaint, requesting a hearing before the board of health. Such complaint must be so filed within 20 days after a person receives such a notice. After receiving a complaint, the health officer shall forthwith notify the board of health of such complaint. The board shall set a time, place, and date of hearing on the complaint, and notify the complainant of this fact not less than three days before the date.

#### 5-64. SEALING OF OFFENDING EQUIPMENT.

After three notifications of the same violation of this chapter within a 12 month period in respect to the emission of air contaminants from the same source, a violator shall be notified to show cause before the board of health within 20 days why the offending equipment should not be sealed. The hearing shall be conducted in the same manner as prescribed in section 5-65 of this chapter. If upon a hearing, the board finds that a violation exists and the corrective measure have not been taken, the board may authorize and direct the Polk County Attorney to

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institute legal proceeding in a court to competent jurisdiction to cause the offending equipment to be sealed. This process shall not preclude injunctive actions by the health officer.

### 5-65. HEARING.

At such hearing, the complainant shall be afforded a full opportunity to be heard, have the right to produce witnesses, and to be represented by counsel. After hearing all relevant evidence and reviewing the actions of the health officer, and if reasonable grounds exist, the board may modify or rescind the order or notice of the health officer or may order compliance with said order or notice within a specified period of time. The decision of the board shall be transmitted in writing to both the complainant and the health officer within ten days after the hearing.

### 5-66. EFFECT OF COMPLAINT.

After a complaint is filed under this article, the health officer shall stay all proceedings until he has received a report from the board, prepared pursuant to section 5-65 of this chapter.

### 5-67. JUDICIAL REVIEW.

Any person aggrieved by the decision of the board of health may appeal such decision to the Polk County District Court within 30 days for review of such decision. Such review shall be de novo.

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ARTICLE XV. EMERGENCY AIR POLLUTION EPISODES

5-68. MONITORING DURING EMERGENCY AIR POLLUTION EPISODES.

The health officer may, whenever he determines that there exists a concentration and duration of air pollution in the county that constitutes an emergency air pollution episode and represents a health hazard to the residents of the area, and shall upon notification of such emergency to the appropriate state official or agency, initiate continuous monitoring of air pollution and be guided by the criteria set forth in this article.

5-69. NOTICE TO STATE OFFICIALS.

The health officer shall notify the appropriate state official or agency upon such detection by such monitoring of levels of air contaminants which violate applicable state rules.

5-70. ACTION IN EMERGENCIES.

Upon declaration of air pollution episodes by the appropriate state officials or agency, the health officer shall institute monitoring and inspection of those air contaminant sources which must curtail or suspend operation under such declaration of an air pollution episode and order issued, to determine compliance with such declaration and orders thereunder.

5-71. NOTICE OF COMPLIANCE.

The health office shall notify the appropriate state official or agency of the level of compliance with declarations of air pollution episodes and orders and of any apparent violations thereof, and shall cooperate with an enforcement proceedings of such declarations and orders by providing witnesses and evidence concerning any such apparent violations.

5-72. AIR POLLUTION EPISODE WARNING TO RESIDENTS.

Upon declaration of any level of an air pollution episode by the appropriate state official or agency, the health officer shall issue an appropriate air pollution episode warning to the residents of the area; and shall take necessary actions to prohibit or diminish air pollution emissions from an and all sources in the area for the duration of such air pollution episode.

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ARTICLE XVI. NUISANCE ABATEMENT AND ENFORCEMENT

5-73. EMISSIONS IN EXCESS OF LIMITATIONS OF THIS CHAPTER  
DECLARED TO BE PUBLIC NUISANCE.

It shall be unlawful for any person to cause, allow, or permit the escape of such quantities of gases or particulate matter from any source whatsoever in excess of the limitations set forth in this chapter and in such a manner as to be detrimental to the public or to endanger health, welfare, or safety of the public, or in such a manner as to cause injury or damage to property or business. The escape of such matter is declared to be public nuisance and may be ordered abated by the health officer.

5-74. NOTICE OF VIOLATION.

Whenever the health officer determines that there are reasonable grounds to believe that the owner or operator of any equipment is maintaining such fuel-burning equipment, incinerator or refuse-burning, process or control equipment or other equipment in violation of any section of this chapter, of that a violation of this chapter exists, the health officer shall give notice of such alleged violation to the owner or operator of such equipment or person who is violating this chapter. Such notice shall:

- (1) Be put in writing;
- (2) State the specific violation alleged;
- (3) Allow a reasonable time for the performance of any correction the health officer may require to comply with the provisions of this chapter.
- (4) Be mailed to the owner or operator of the equipment or violator. Such mailing shall be deemed sufficient service;
- (5) If deemed advisable by the health officer, contain an outline of corrective action which, if accomplished, will effect compliance with the provisions of this chapter.

5-75. PENALTY.

Unless another penalty is expressly provided by this Regulation for the particular provision, section or Regulation, any person violating any provision of this Regulation, or any rule or Regulation adopted or issued in pursuance thereof, or any

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provision of any code adopted herein by reference shall, upon conviction, be subject to one of the following:

- (a) Criminal. A fine of not more than \$100, or to imprisonment for not more than 30 days, and may be adjudged to pay the costs of prosecution. Whenever the fine and costs imposed for a violation are not paid, the person convicted may be committed to jail until the fine and costs are paid, not exceeding 30 days. Each act of violation and every day upon which a violation occurs or continues constitutes a separate offense.
- (b) Civil. A penalty as determined by the Court, not to exceed ten thousand dollars per day for each day of such violation continues as provided in Section 455B.146 Code of Iowa. A repeat offense is a violation of any provision of this Regulation, or any rule or regulation adopted or issued in pursuance thereof, or any provision of any code adopted herein by reference by a person who has previously admitted the infraction or been found guilty of violating the same provision at the same location.

### 5-76. ACTION TO ENJOIN.

In addition to the penalties provided for in Section 5-75 of this chapter, when any equipment structure, device or premises are constructed, altered, operated, or maintained in violation of this chapter, or when a nuisance exists, or when there has been any other violation of the provisions of this chapter, the health officer may request the Polk County attorney to bring suit in a court of competent jurisdiction to prevent such unlawful construction, alteration, operation, or maintenance, or to restrain, correct, or abate such violation or nuisance.



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ARTICLE XVII. EFFECT OF PARTIAL INVALIDITY

5-77. SEVERABILITY.

The provisions of this chapter are severable and if any provision, sentence, clause, section or part thereof shall be held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the chapter or this application to other persons or circumstances. It is hereby declared to be the legislative intent that this chapter would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part and not been included therein and if the person or circumstances to which the chapter or any part thereof is applicable and had been specifically exempted therefrom.

## EPA Rulemakings

FRM: 54 FR 33528 (8/15/89); Correction 55 FR 26690 (6/29/90)

PRM: None

State Submission: 2/3/88

State Proposal: 8/18/87

State Final: 9/29/87

APDB File: IA-21

Description: The EPA approved only portions of the Polk County permit rules as part of the Iowa SIP. Approved Ordinance No. 28, with the exception of the definition of "variance." The EPA's approval was subject to the provision that permits which affect Iowa's SIP would be submitted to the EPA as SIP revisions until Polk County revises the PM<sub>10</sub> definition and the EPA approves the revision, the state is responsible for approval of permits relating to PM<sub>10</sub> emissions.

[illegible]

CFR: 40 C.F.R. 52.820 (c) (55) (i) (A)

FRM: 56 FR 60924 (11/29/91); Correction 58 FR 6093 (1/26/93)

PRM: None

State Submission: 5/23/91

State Proposal: none

State Final: Polk County Ordinances #28, 72, and 85 (effective 5/1/91)

APDB File: IA-30

Description: This revision approved most of the Polk County Board of Health Rules and Regulations Chapter V, pertaining to definitions and permits.

The correction notice on January 26, 1993, includes Article VI (Section 5-16 a-m). This was not included in the incorporation by reference in the final rulemaking published on November 29, 1991.

[illegible]

CFR: 40 C.F.R. 52.820 (c) (60) (i) (A)

FRM: 60 FR 31090 (6/13/95)

PRM: 60 FR 31128 (6/13/95)

State Submission: 5/5/94

State Proposal: none

State Final: Polk County Ordinances #28, #72, #85, & #132 (effective 12/2/93)

APDB File: IA-43

Description: This revision was adopted to make Polk County's rules consistent with the state's rules. This revision includes definitions relating to new source permitting, Ringleman chart deletions, stack testing revisions, fuel burning equipment exemptions, and other miscellaneous changes.

[illegible]

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CFR: 40 C.F.R. 62.3850 (b) (3)

FRM: 60 FR 31090 (6/13/95)

PRM: 60 FR 31128 (6/13/95)

State Submission: 3/23/94

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State Proposal:      none
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State Final: Adopted (10/26/93)

APDB File: IA-43

Description: Control of sulfur dioxide and sulfuric acid mist from sulfuric acid manufacturing plants in Polk County were adopted on October 26, 1993.

[illegible]

CFR: 40 C.F.R. 52.820 (c) (66) (i) (A)

FRM: 63 FR 5268 (2/2/98)

PRM: 63 FR 5339 (2/2/98)

State Submission: 4/2/97

State Proposal: N/A

State Final: Effective (12/18/96)

APDB File: TA-44

Description:	The EPA approved the updated regulations for the Polk County Public Works Department which reflect revisions adopted by the Iowa Department of Natural Resources in the Iowa Administrative Code. These revisions include provisions such as definitions, permit exemption, visible opacity and open burning.
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[illegible]

### Difference Between the State and EPA-Approved Regulation

The EPA has not approved the following Articles which are in the Polk County regulations:

Article VI. - 5-16(n). - New Source Performance Standards

Article VI. - 5-16(p). - Emission Standards for Hazardous Air Pollutants

Article VIII. - National Emission Standards for Hazardous Air Pollutants for Source Categories

Article XIII. - Variances

111 (d) Approval

Section 27(3) Sulfur Dioxide from Sulfuric Acid Manufacture and Section 27(4) Acid Mist from Sulfuric Acid Manufacture have been approved under 111(d) and have not been approved as part of the SIP.